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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–4028; Airspace Docket No. 26–ANE–1]

RIN 2120–AA66

Amendment of Class D Airspace and Removal of Class E4 Airspace Over Nashua, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and removes Class E airspace over Nashua, NH. This action removes Class E airspace extending upward from the surface for Boire Field Airport, Nashua, NH. That airspace is no longer necessary to contain instrument flight rules (IFR) operations at the airport. This action also replaces ''Notice to Air Missions'' within the Class D airspace legal description with ''Notice to Airmen'' to comply with current FAA directives.

DATES: Effective 0901 UTC, October 29, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, as well as subsequent amendments, can be viewed online at *www.faa.gov/air_traffic/publications/.* For further information, 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 amends Class D and Class E airspace in Nashua, NH.

History

The FAA published an NPRM for Docket No. FAA–2026–4028 in the **Federal Register** (91 FR 23036; April 29, 2026), proposing to amend Class D airspace and remove Class E airspace above Nashua, NH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000 and 6004 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the latest version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by removing the Class E airspace over Nashua, NH. A review of the airspace revealed that the Class E airspace extending upward from the surface is no longer necessary to properly contain IFR operations at Boire Field Airport, Nashua, NH. This action also updates the language in the Nashua, NH Class D airspace legal description by changing ''Notice to Air Missions'' to ''Notice to Airmen'', bringing the Class D airspace legal description into compliance with current FAA directives.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 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 NH D Nashua, NH [Amended]

Boire Field Airport, NH
(Lat. 42°46′57″ N, long. 71°30′51″ W)
Pepperell Airport, MA
(Lat. 42°41′46″ N, long. 71°33′00″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 5-mile radius of Boire Field Airport; excluding that airspace within a 2-mile radius of Pepperell Airport. This Class D airspace area is effective during the 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.

* * * * *

6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANE NH E4 Nashua, NH [Remove]

* * * * *

Issued in College Park, Georgia, on July 9, 2026.

Gregory R. Garmon,

Acting Manager, Airspace & Procedures North Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–14205 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–3764; Airspace Docket No. 26–AGL–5]

RIN 2120–AA66

Establishment of Class E Airspace; Crown Point, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Franciscan Health Crown Point Hospital Heliport, Crown Point, IN. This action supports new instrument procedures and instrument flight rule (IFR) operations.

DATES: Effective 0901 UTC, October 29, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Raul Garza Jr., Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5874.

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 establishes Class E airspace extending upward from 700 feet above the surface at Franciscan Health Crown Point Hospital Heliport, Crown Point, IN, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2026–3764 in the **Federal Register** (91 FR 17909; April 9, 2026) proposing to establish Class E airspace at Franciscan Health Crown Point Hospital Heliport, Crown Point, IN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

After publication of the NPRM, an FAA database review noted that the incorrect state (OH) was used in the legal description. This final rule replaces the incorrect state with the correct state, IN. This correction represents a ministerial change. It does not change the airspace dimensions or operating requirements. Accordingly, the FAA finds good cause that recirculating the NPRM for notice and comment is unnecessary.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action modifies 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Franciscan Health Crown Point Hospital Heliport, Crown Point, IN. This action is the result of instrument procedures

being developed for this airport to support IFR operations.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B–2.5(k), which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL IN E5 Crown Point, IN [Establish]

Franciscan Health Crown Point Hospital Heliport, IN
(Lat. 41°23′20″ N, long. 87°19′18″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Franciscan Health Crown Point Hospital Heliport.

* * * * *

Issued in Fort Worth, Texas, on July 13, 2026.

Jerry J. Creecy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2026–14248 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 260708–0167]

RIN 0648–BJ62

Lake Ontario National Marine Sanctuary; Delay of Effective Date

AGENCY: Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule; delay of effective date.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) designated the Lake Ontario National Marine Sanctuary (LONMS) on June 6, 2024, and the final rule became effective on July 22, 2024. However, as discussed in the final rule, the effective date for the provision that prohibits grappling into or anchoring on shipwreck sites (grappling and anchoring provision) was stayed until July 21, 2026. This action further extends the stay of the effective date of the grappling and anchoring provision of the final rule until September 21, 2028.

DATES: As of July 15, 2026, the effective date for 15 CFR 922.223(a)(3), which was stayed until July 21, 2026, at 89 FR 48272, is further stayed until September 21, 2028.

FOR FURTHER INFORMATION CONTACT: Jeff Gray, Acting Superintendent, Lake Ontario National Marine Sanctuary, at 989–312–3365, *jeff.gray@noaa.gov.*

SUPPLEMENTARY INFORMATION: On June 6, 2024, NOAA published a final rule to implement the designation of the LONMS (89 FR 48272). The designation and regulations became effective on July 22, 2024 (89 FR 59610; July 23, 2024). However, as discussed in the final rule (89 FR 48275), the effective date for 922.223(a)(3), which prohibits grappling into or anchoring on shipwreck sites, was stayed until July 21, 2026, to provide NOAA with adequate time to develop a shipwreck mooring program plan, seek input from the dive community about the mooring buoy plan, begin installing mooring buoys, and develop best practices for accessing shipwrecks when mooring buoys are not present. With this final rule, NOAA is further staying the effective date for the prohibition of grappling into or anchoring on shipwreck sites for two years to September 21, 2028, to provide additional time for NOAA to develop a shipwreck mooring program, which will include the installation of mooring buoy systems and public outreach and education.

NOAA established the initial two-year stay to delay the effective date for 922.223(a)(3) in response to public comments expressing concerns that the prohibition would negatively affect commercial vessels that may need to anchor in the sanctuary and would limit public access to shipwrecks when alternatives to anchoring (*i.e.,* buoys) are not available. NOAA delayed the effective date to allow it adequate time to develop a shipwreck mooring program and begin installing buoys.

Since the designation of the sanctuary in July 2024, NOAA has identified 16 shipwreck sites for the initial wave of mooring buoy installations. NOAA worked with state and federal authorities to obtain required permits and has awarded contracts to purchase various mooring components. NOAA intended to begin installing buoys during the summer of 2025 but was

ultimately unable to secure ship time from its partners. Buoy installation must occur during the summer months on Lake Ontario. Therefore, NOAA must wait until the summer seasons of 2026, 2027, and 2028 to complete this work. Delaying the effective date until September 21, 2028, will provide NOAA with the necessary additional time to install buoys, which are intended to provide an alternative means to access shipwreck sites without anchoring.

While the prohibition on grappling into or anchoring on shipwreck sites is essential to protect shipwrecks from damage, NOAA believes this interest should be balanced with the interest of promoting public access to the sanctuary, consistent with the purposes and policies of the National Marine Sanctuaries Act, 16 U.S.C. 1431(b). Therefore, as explained above, NOAA decided during the designation process to install permanent mooring buoys installed at priority shipwreck sites before the grappling and anchoring prohibition comes into effect, and NOAA needs additional time to install buoys. In the meantime, NOAA will minimize risks to shipwrecks by continuing its educational outreach efforts to promote the protection of sanctuary resources.

All other regulatory provisions will remain in effect, including the prohibition on ''[m]oving, removing, recovering, altering, destroying, possessing or otherwise injuring, or attempting to move, remove, recover, alter, destroy, possess or otherwise injure a sanctuary resource'' (including shipwrecks) (922.223(a)(1)). Further, it continues to be a violation of New York State law to damage shipwrecks, including damage from anchoring or grappling.

Classification

A. National Marine Sanctuaries Act

This action is issued pursuant to the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq.,* the NMSA implementing regulations at 15 CFR part 922, and the LONMS implementing regulations at 15 CFR part 922, subpart U.

B. National Environmental Policy Act

NOAA's Policy and Procedures for Compliance with the National Environmental Policy Act (NEPA) and Related Authorities (NOAA Administrative Order (NAO) 216–6A and Companion Manual for NAO 216–6A) provide that all NOAA major Federal actions be reviewed with respect to environmental consequences on the human environment. In the June 2024 Final Environmental Impact Statement (FEIS; *https://www.noaa.gov/general-counsel/NEPA/lake-ontario-national-marine-sanctuary-final-environmental-impact-statement-and-management-plan*) for the designation of the LONMS, NOAA identified a preferred action, which included establishing a grappling and mooring program and prohibiting the grappling into and anchoring on shipwreck sites throughout the sanctuary. NOAA selected this alternative, as finalized in the June 6, 2024, final rule (89 FR 48272). The 2024 FEIS stated that the provision prohibiting grappling into or anchoring on shipwreck sites would lead to beneficial impacts for historical resources and water quality resources and that staying the effective date of the grappling and anchoring provision would not cause adverse impacts to the existing shipwrecks because all other LONMS regulatory prohibitions (including the prohibition on damaging or injuring sanctuary resources at 922.213(a)(1)) would remain in effect during this postponement.

Extending the stay of the effective date of the grappling and anchoring prohibition by an additional two years does not change NOAA's 2024 FEIS analysis of the environmental impacts of the stay. There are no substantial new circumstances or information related to LONMS shipwreck sites, other environmental conditions, or the potential effects of this action that were analyzed in the FEIS. Accordingly, NOAA has determined that no additional NEPA analysis is required for this action.

Copies of the FEIS, the record of decision and other related materials that are specific to this action are available at *https://sanctuaries.noaa.gov/lake-ontario/,* or by contacting NOAA at the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

C. Executive Order 12866: Regulatory Impact

This rule is not significant for purposes of Executive Order 12866, as amended by Executive Order 14094.

D. Executive Order 14192

This final rule is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

E. Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration at the final rule stage that the action designating the LONMS would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was discussed in the preamble of the proposed rule issued on January 19, 2023 (88 FR 3334) and has not changed, and NOAA did not receive any comments on the certification. Therefore, a final regulatory flexibility analysis was not required and was not prepared. This action to change the effective date for the provision to prohibit the grappling into or anchoring on shipwreck sites does not change the outcome of the certification.

E. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of the National Ocean Service, NOAA, finds good cause to not provide prior notice and opportunity for public comment because notice and comment is unnecessary and contrary to the public interest. NOAA originally established a two-year stay to delay the effective date for 922.223(a)(3) in response to public comments expressing concerns that the prohibition would negatively affect commercial vessels that may need to anchor in the sanctuary and would limit public access to shipwrecks when alternatives to anchoring (*i.e.,* buoys) are not available. NOAA stayed the effective date of the grappling and anchoring prohibition to allow NOAA time to install buoys and promote the protection of sanctuary resources. This action extends the stay of the effective date until September 21, 2028, to provide necessary additional time to install buoys. In the meantime, NOAA will minimize risks to shipwrecks by continuing its educational outreach efforts to promote the protection of sanctuary resources. For these reasons, we find good cause that notice and public comment procedures are unnecessary.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Natural resources, Historic preservation, Marine resources, National marine sanctuaries, Recreation and recreation areas, Shipwrecks.

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–14204 Filed 7–14–26; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT–045–FOR; Docket No. OSM–2025–0005; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), is approving an amendment to the Montana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana submitted this proposed amendment to OSM on its own initiative in response to a State law passed by the Montana Legislature—Senate Bill 365 (SB 365). The amendment to the Montana coal program regulations clarifies that, if a siltation structure's capacity is exceeded because of an extraordinary series of storms, an operator will not have violated the siltation structure construction requirements if the siltation structure was constructed consistent with the design capacity requirements in the applicable Administrative Rules of Montana (ARM) and the operator actively undertakes measures to restore pond capacity as soon as weather and ground conditions permit. SB 365 also includes contingencies that apply to the proposed amendment but are not codified into the Montana Code Annotated (MCA): a severability clause, a contingent voidness clause, and an effective date clause.

DATES: The effective date is August 14, 2026.

FOR FURTHER INFORMATION CONTACT: Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program
II. Submission of the Amendment
III. OSM's Findings
A. Montana Code Annotated (MCA) 82–4–231(10)(k)(ii)(B)
B. Sections 2, 3, and 4 of SB 365
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Montana Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with SMCRA and consistent with the Federal implementing regulations. *See* 30 U.S.C. 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a). On the basis of these criteria, the Secretary of the Interior conditionally approved the Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning the Montana program and program amendments at 30 CFR 926.15.

II. Submission of the Amendment

By letter dated May 6, 2025 (Administrative Record No. MT–045–01), Montana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). We found Montana's proposed amendment to be administratively complete on May 6, 2025. Montana submitted the proposed amendment to us, on its own volition, after the Montana legislature passed SB 365 during the 2025 legislative session. SB 365 amended the Montana Strip and Underground Mine Reclamation Act (MSUMRA) as well as section 82–4–231(10)(k)(ii)(B) of the MCA.

First, Montana proposed to add language stating that siltation structures must be constructed with the design capacity specified in the ARM, which requires siltation structures to be constructed to hold the water inflow or runoff from anticipated precipitation events entering the pond, and, if applicable, must also hold the average inflow from the underground mine.

Second, Montana added language clarifying that operation of a siltation structure constructed consistent with the design capacity requirements in the ARM is compliant with the design capacity requirements even if the pond capacity is exceeded as the result of consecutive small storm events that cumulatively exceed the anticipated precipitation event, and the operator actively works to restore pond capacity as soon as weather and ground conditions permit.

Finally, SB 365 added three contingencies to the proposed changes to section 82–4–231(10)(k)(ii)(B) that are not codified into the MCA but apply to the section amended by the legislation. These provisions cover severability, contingent voidness, and the effective date.

We announced receipt of the proposed amendment in the August 4, 2025, **Federal Register** (90 FR 36406). We received nine written comments on the proposed rule.

III. OSM's Findings

OSM reviewed Montana's submittal according to the requirements of SMCRA and the Federal regulations at 30 CFR 730.5, 732.15, and 732.17. As described below, we are approving Montana's submittal.

A. Montana Code Annotated (MCA) 82–4–231(10)(k)(ii)(B)

OSM finds Montana's proposed changes to MCA 82–4–231(10)(k)(ii)(B) to be in accordance with SMCRA and consistent with the Federal regulations and are thus approving them.

At MCA 82–4–231(10)(k)(ii)(A), Montana requires operations to conduct their mining ''so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit are, but the contributions may not be in excess of requirements set by applicable state or federal law.'' And at current MCA 82–4–231(10)(k)(ii)(B), Montana requires siltation structures to be constructed pursuant to the ''best technology currently available'' standard of MCA 82–4–231(10)(k)(ii)(A), certified by a qualified registered engineer, and constructed as designed and approved in the reclamation plan.

Through this amendment, Montana proposed to add language to MCA 82–4–231(10)(k)(ii)(B) that references rules in the ARM and clarifies that pond capacity exceedances are not pond construction violations when the exceedance is caused by a multi-storm event and the structure was constructed consistent with the approved design capacity requirements.

First, the proposed new language referencing siltation structure requirements in the ARM is in accordance with SMCRA and consistent with the Federal regulations. Montana proposed to add language to its siltation structure requirements that states siltation structures must ''be constructed with the design capacity specified in administrative rule to detain the water inflow or runoff entering the pond from an anticipated precipitation event plus the average inflow from the underground mine, if

applicable.'' Montana's administrative rules for sedimentation ponds and other treatment facilities are located at ARM 17.24.639. ARM 17.24.639(2), which contains pond construction rules, requires sedimentation ponds to ''provide the required theoretical detention time adequate to meet effluent limitations . . . and for the water inflow or runoff entering the pond from a 10-year, 24-hour precipitation event (design event), plus the average inflow from the underground mine if applicable.''

By contrast, the Federal regulations at 30 CFR 816.46(c)(1)(iii)(C) and (d)(1) require any siltation structures, including sedimentation ponds, to be designed to hold or treat a 10-year, 24-hour precipitation event unless a lesser design event is approved by the regulatory authority based on terrain, climate, other site-specific conditions and on a demonstration by the operator that effluent limitations will be met.

Despite not giving the exact cite to its administrative rules, the proposed language Montana added to MCA 82–4–231(10)(k)(ii)(B) is a direct reference to its approved siltation structure construction rules in ARM 17.24.639(2). Montana is not adding a new requirement but instead reinforcing its administrative rules in its statute. Furthermore, the construction requirements that Montana referenced are substantially similar to its federal counterpart rule at 30 CFR 816.46(c)(1)(iii)(C). Thus, Montana's proposed new language referencing its administrative rules for siltation structure construction requirements are in accordance with SMCRA and consistent with the Federal regulations.

Second, the proposed language clarifying that pond capacity exceedance from a multistorm event is not inherently a permit violation is in accordance with SMCRA and consistent with the Federal regulations. Montana also added language to MCA 82–4–231(10)(k)(ii)(B) that states that an operation will be considered compliant with the siltation structure construction requirements ''even if the pond capacity is exceeded as a result of water inflow or runoff entering the pond from a multistorm event consisting of a series of small, consecutive storm events that cumulatively exceed the anticipated precipitation event and the operator actively undertakes measures to restore pond capacity as soon as weather or ground conditions permit.'' In a letter sent to OSM dated September 3, 2025, Montana State Senator Barry Usher, the sponsor of SB 365 from which this amendment originates, stated that he added this language to ''clarify that as long as a permit holder constructed the facility to the standard required by DEQ, an exceedance of the capacity due to concurrent storm events is not inherently a violation of the permit.'' Senator Usher also stated that he considers this clarification to be necessary because requiring operations to design ponds for large multi-storm events would result in very large and expensive structures that are impractical from a cost and footprint standpoint, and that a larger detention pond would lead to more water from the mine being held back, resulting in an unnecessary impact on downstream users' water quantity. (Administrative record no. MT–045–14).

By contrast, the Federal counterpart regulations at 30 CFR 816.46 do not make this clarification, but the Federal rules would also not automatically find a *construction* permit violation where pond capacity is exceeded as the result of a series of small, consecutive storm events. The Federal regulations at 30 CFR 816.46(c)(1)(iii)(C) require that the pond be *designed, constructed, and maintained* to hold or treat a 10-year, 24-hour precipitation event, unless a lesser design event is approved based on site-specific conditions and the operator demonstrates that effluent limitations will be met.

Montana's clarification that an operation is still in compliance if a set of smaller, consecutive storm events cumulatively cause an exceedance in pond capacity is limited only to the pond construction requirements. MCA 82–4–231(10)(k)(ii)(B) only contains pond construction requirements, and Montana's clarification language states ''[o]peration of a siltation structure with this design capacity requirement is compliant with *this part* even if the pond capacity is exceeded . . . from a multistorm event . . .'' (Emphasis added). If the multistorm event occurred as described in MCA 82–4–231(10)(k)(ii)(B) and another requirement was violated, like EPA/state effluent limitations, then a permit violation would still occur under those rules. This interpretation is corroborated by the sponsor of SB 365, Senator Usher, who stated in his September 3, 2025, letter to OSM that ''[this proposed language] doesn't mean that a mine is not responsible for the quality of the water flowing off the mine site. Those requirements remain in place.'' (Administrative record no. MT–045–14).

The proposed changes are also in accordance with the ''best technology currently available'' requirements in the Federal and State regulations. The regulations at 30 CFR 701.5 define ''best technology currently available'' to include the ''design of sedimentation ponds in accordance with 30 CFR parts 816 and 817.'' And as explained above, Montana's sedimentation pond regulations are in line with the requirements of 30 CFR 816.46(c)(1)(iii)(C) that the pond must be ''designed, constructed, and maintained to hold or treat a 10-year, 24-hour precipitation event.'' Montana's proposed changes are also in line with its owns rules for ''best technology currently available.'' ARM 17.24.301(20) requires that, to achieve the best technology currently available, an operator's design and construction of sedimentations structures will ''in no event result in contributions of suspended solids in excess of requirements set by applicable state or federal law.'' As discussed above, an operator is still responsible for any violation of water quality standards resulting from an exceedance of its sedimentation pond capacity. Through this amendment, Montana is only clarifying that sedimentation pond *construction* requirements are not violated if an exceedance occurs in the multi-storm scenario.

Moreover, the proposed changes would not change Montana's existing rules about siltation pond maintenance requirements, including if a multi-storm scenario takes place. The Montana administrative rules for design capacity referenced in MCA 82–3–231(k)(ii)(B) are found at ARM 17.24.639(2). Sediment maintenance rules are located at ARM 17.24.639(6) and require sediment removal when the pond reaches 60% of its design sediment storage volume. Under the proposed changes, MCA 82–3–231(k)(ii)(B) clarifies that if a pond constructed consistent with the design capacity requirements outlined in the ARM is exceeded as the result of consecutive small storm events that cumulatively exceed the anticipated capacity, no violation would be issued related to design capacity requirements. However, nothing in the proposed revisions changes pond maintenance requirements and an operator would still be subject to enforcement if maintenance requirements are not met or if an exceedance occurred due to a failure to maintain a pond, even for multi-storm events. In other words, the rules governing sedimentation maintenance are separate and remain enforceable regardless of precipitation amounts.

Thus, because Montana does not exempt any operators from applicable design, construction, or maintenance requirements or water quality standards, Montana's proposed language clarifying

that pond capacity exceedance from a multistorm event is not inherently a permit violation is in accordance with SMCRA and consistent with the Federal regulations.

B. Sections 2, 3, and 4 of SB 365

SB 365 also added contingencies that are not codified into the MCA but that affect the amended parts of the MCA.

1. Section 2. Severability

Section 2 of SB 365 states that if any part of SB 365 is found invalid, all valid parts that are severable from the invalid part will remain in effect. While this is legislative language and not part of Montana's surface mining program, we note that the Federal regulation at 30 CFR 732.17(h)(7) requires the Director to consider all relevant information, using the criteria set forth in 30 CFR 732.15, to approve or disapprove the amendment. The Director may approve all or parts of an amendment that are in accordance with SMCRA and consistent with the Federal regulations.

2. Section 3. Contingent Voidness

Section 3 of SB 365 states that, if the Secretary of the Interior disapproves of any provision of SB 365 under 30 CFR part 732, then that portion of the bill is void. Furthermore, MDEQ is required to notify the code commissioner of a disapproval within 15 days of the effective date of disapproval. Notwithstanding SB 365, the Federal regulation gives the Director the authority to approve or disapprove all or part of a proposed amendment to a State program. 30 CFR 732.17(h)(7). Any program amendment or part of a program amendment disapproved by the Director would be void and would not become part of Montana's approved program.

3. Section 4: Effective Date

Section 4 of SB 365 states that its provisions are effective on passage and approval of the bill. Section 4 of SB 365 does not specify who is providing the ''approval'' that triggers the effective date. SMCRA and the Federal regulations state that no change to law or programs can take effect for purposes of a State program until the amendment is approved by the Director. 30 CFR 732.17(g). The Federal regulations further specify that all decisions approving or not approving a State program amendment must be published in the **Federal Register** and will be effective upon publication unless the notice specifies otherwise. 30 CFR 732.17(h)(12).

By looking at the text of SB 365 preceding Section 4, OSM interprets the term ''approval'' to mean approval by the Director. Section 3 speaks to the need for Secretarial approval but provides that if a provision is disapproved, that portion of SB 365 is severed from the approved portions of the bill. In Section 3, SB 365 states that any provision of SB 365 that the Secretary of the Interior ''disapprov[es]'' will be void. Taken together, it is appropriate to read ''approval'' as used in Section 4 of SB 365 as referring to action taken consistent with the regulatory review and approval process by the Secretary of the Interior, as delegated to the OSM Director. This interpretation is also consistent with 30 CFR 732.17(g), which refers to approval by the Director of OSM and states that ''No such change to [state] laws or regulations shall take effect for purposes of a State program until approved as an amendment.'' Thus, OSM interprets Section 4 in a way that is both supported by the surrounding statutory text of SB 365 and leads to consistency with SMCRA.

Notwithstanding OSM's interpretation, should the drafters or implementers of SB 365 interpret Section 4 as becoming effective upon approval by an entity other than the Director, that interpretation would conflict with SMCRA and the Federal regulations. No change to state laws or programs can be implemented or become effective prior to approval by the Director. 30 CFR 732.17(g). To ensure consistency with the Administrative Procedure Act, the effective date of the OSM Director's approval of SB 365 is August 14, 2026.

IV. Summary and Disposition of Comments

OSM asked for public comments on the amendment during a public comment period that ended on September 3, 2025. OSM received nine written comments during the comment period. (Administrative Record No. MT–045–08 through MT–045–16). To view comments in full, visit *https://www.regulations.gov.*

Public Comments

Comment: One commenter stated that OSM should deny the amendment because it fails to protect workers, citizens, and the environment as required by SMCRA.

OSM Response: OSM disagrees. Montana's requirements for siltation structure construction mirror requirements in SMCRA and the Federal regulations. Through this amendment, Montana is not changing siltation structure requirements but adding further specificity and clarification to the enforcement of its State program and is, thus, in accordance with SMCRA and consistent with the Federal regulations. Please see our full discussion of this topic in Section III(A).

Comment: One commenter stated that OSM should deny this amendment because of the State's history and failures in regulating coal mining.

OSM Response: OSM finds this comment to be outside the scope of this rulemaking. Please note that since OSM's approval of the Montana program on April 1, 1980, Montana has had primacy over its coal program with OSM acting in an oversight role. Since the Montana program's initial approval, OSM has continually found the Montana program to be in accordance with SMCRA and the Federal regulations. You can view OSM's Annual Evaluation Reports of the Montana program, which OSM has continually found to be compliant with SMCRA and the Federal regulations, at *https://odocs.osmre.gov/.* You can also find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560), as well as later actions concerning the Montana program and program amendments at 30 CFR 926.15.

Comment: One commenter stated that OSM should deny this amendment because it allows coal operators to escape liability in the event their siltation structures fail, thus, shifting the burden of pollution cleanup on to downstream landowners and water rights holders. They opined that the overflow from the multi-storm precipitation events Montana described in the proposed amendment would likely contain toxins and heavy metals that would enter streams and groundwater, affecting neighbors far beyond the permit's boundary, and the operators should be held responsible to mitigate these impacts.

OSM Response: OSM disagrees. Montana's updated rules are limited to clarifying that an operator is in compliance with the siltation structure construction requirements, even if a pond's capacity is exceeded because of multiple storms. The amendment also requires an operator to undertake measures to restore pond capacity as soon as weather and ground conditions permit. An operator could still be in violation of other rules or requirements—such as water quality standards or structure maintenance requirements—if the exceedance was the result of a failure to maintain the structure according to the maintenance

requirements or if the exceedance resulted in a violation of water quality standards. Moreover, if the overflow was such that it created issues outside of the permit area such as the commenter described, an operator would still be responsible for off-site impacts. Please see our full discussion of this topic in Section III(A).

Comment: One commenter stated that they support this amendment because it reaffirms Montana's longstanding requirements that detention ponds and structures be built and maintained to rigorous design standards, but it also clarifies compliance requirements in extraordinary weather events. They stated the rule change would ensure that an operator who complied with structure requirements, but whose structure capacity was exceeded by events beyond human control and engineering standards, is not unfairly punished.

OSM Response: OSM agrees with this commenter. As discussed in Section III(A), Montana has siltation structure requirements that mirror the federal regulations at 30 CFR 816.46(c)(1)(iii)(C) and (d)(1), which require siltation structures to be designed to contain runoff from a 10-year, 24-hour precipitation event. The changes in MCA 82–4–231(10)(k)(ii)(B) clarify that exceedances due to consecutive storm events that cumulatively exceed the anticipated capacity of siltation structures would not be considered a siltation structure construction violation. Please see our full discussion of this topic in Section III(A).

Comment: Multiple commenters stated that OSM should approve the amendment because it reaffirms the national priority of bolstering domestic energy and mineral production. Some commenters also stated that this amendment aligns with the following Executive Orders: *Unleashing American Energy* (Jan. 20, 2025), *Immediate Measures to Increase American Mineral Production* (Mar. 20, 2025), and *Reinvigorating America's Beautiful Clean Coal Industry* (Apr. 8, 2025).

OSM Response: While OSM agrees that Montana's proposed amendment aligns with the Executive Orders identified by commenters, the decision to approve the amendment was based on OSM's finding that the proposed amendment is in accordance with SMCRA and consistent with the Federal regulations, including 30 CFR 732.17.

Comment: One commenter stated that OSM should approve the amendment because it aligns with the purpose of SMCRA to strike a balance between protection of the environment and the Nation's need for coal as an essential source of energy, and it is consistent with SMCRA's directive that State programs meet Federal requirements while also reflecting local requirements, environments, and agricultural conditions. Furthermore, they stated that the amendment is in line with SMCRA's requirements that siltation structures must ''minimize disturbances to the prevailing hydrologic balance at the mine-site'' and ''*to the extent possible,* using the best technology currently available,'' prevent additional contributions of suspended solids to streamflow or runoff outside the permit area . . . 30 U.S.C. 1265(b)(10)(B)(i) (emphasis added.). They stated that the specified multi-storm scenario provided by Montana does not lessen, change, or omit any of SMCRA's requirements, and instead clarifies what the phrase ''to the extent possible'' means in light of Montana's local environment and needs. And that the clarification maintains SMCRA obligations while also adding a new protection measure by requiring the operator to take measures to restore pond capacity as soon as weather and ground conditions permit.

OSM Response: OSM agrees that Montana's amendment is in line with SMCRA's ''best technology currently available'' rule but disagrees that Montana's amendment is a clarification of the phrase ''to the extent possible,'' as it relates to Montana's local requirements, environments, and agricultural conditions. Montana's amendment is instead clarifying that construction requirements are not violated if an exceedance occurs as a result of the multi-storm scenario.

As discussed in Section III(A), Montana's regulations and rules for sedimentation ponds are consistent with the Federal regulations located within Parts 816 and 817 and thus considered ''best technology currently available.'' And at ARM 17.24.301(20), Montana defines ''best technology currently available'' to mean equipment, devices, systems, methods, or techniques that will ''prevent, to the extent possible, additional contributions of suspended solids to stream or runoff outside their permit area, *but in no event will result in contributions of suspended solids in excess of requirements set by applicable state or federal laws . . .*'' (emphasis added). So, a sedimentation pond design will be considered ''best technology currently available'' so long as it meets Montana's design and construction requirements and in no event results in contributions of suspended solids that violate Montana and Federal water quality standards.

As for Montana's ability to tailor its definition of ''best technology currently available,'' to its local needs, the Federal regulations at 30 CFR 701.5 does give the regulatory authority the discretion to determine the ''best technology currently available,'' but this is decided on a case-by-case basis and it must be consistent with SMCRA, the Federal regulations, and the applicable state law. Montana echoes this rule in its own regulations at ARM 17.24.301(20). Please see our full discussion of this topic in Section III(A).

Comment: One commenter stated that we should approve the amendment because, like OSM's standards and directives, Montana's proposed language recognizes the realistic extent of regulation in severe weather events. The commenter opined that in the Federal regulations, compliance is measured by construction and maintenance to design standards and by use of the best technology currently available, not by the structure's performance in every conceivable weather scenario.

OSM Response: OSM agrees, in part. The siltation structure requirements in the Federal regulations at 30 CFR 816.46(c)(1)(iii)(C) and (d)(1) cover construction requirements for siltation structures. Similarly, MCA 82–4–231(10)(k)(ii)(B) only contains pond construction requirements. The Federal and State regulations also recognize that ''best technology currently available'' can be achieved by meeting the siltation structure construction requirements, which in both the Federal and Montana regulations is built to contain runoff from a 24-hour, 100-year event. Montana's amendment limits its multi-storm scenario to construction requirements, clarifying that the construction and design requirements are not violated when the multi-storm scenario occurs. But other requirements, like maintenance requirements, water quality standards, the prohibition against offsite impacts, which are contained in other sections of the Montana coal program, still apply during the multi-storm scenario. So, while Montana's clarification that, during the multi-storm scenario, an exceedance of pond capacity does not necessarily violate the pond's construction requirements, the siltation pond must still perform in line with other requirements. Please see our full discussion of this topic in Section III(A).

Federal Agency Comments

On September 10, 2025, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies that have an actual or potential interest in the Montana program

(Administrative Record No. MT–045–04).

On November 26, 2025, we received a comment from the Mining Safety and Health Administration (MSHA), which stated, in reference to Montana's requirements for 10-year, 24-hour precipitation design events, that MSHA has no additional design requirements for siltation structures whose pond size is under the size criteria set by MSHA's regulations at 30 CFR 77.216(a), and it poses no hazard to miners. (Administrative Record No. MT–045–17).

OSM Response: OSM thanks MSHA for their comments.

EPA Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the CWA (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (43 U.S.C. 7401 *et seq.*). This amendment does not relate to air or water quality standards and thus does not require a written concurrence from the EPA. Even so, on September 10, 2025, under 30 CFR 732.17(h)(11)(i), we sent a letter requesting comments from the EPA on the amendment (Administrative Record No. MT–045–04). The EPA did not provide any comments for this amendment.

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

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On September 10, 2025, we requested comments on the amendment (Administrative Record No. MT–045–04). Montana SHPO and the ACHP did not provide a comment.

V. OSM's Decision

Based on the above findings, we are approving Montana's proposed amendment (MT–045–FOR) sent to us on May 6, 2025 (Administrative Record No. MT–045–01).

To implement this decision, we are amending the Federal regulations, at 30 CFR part 926, that codify decisions concerning the Montana program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires that a State program must have rules and regulations that are in accordance with SMCRA and consistent with Federal regulations.

VI. Procedural Determinations

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

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

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

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

Executive Order 12988—Civil Justice Reform

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

Executive Order 13132—Federalism

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined that, with the exception of the Crow Tribe's ''Ceded Strip,'' which through a memorandum of understanding the Department of the Interior and Montana agreed to coordinate the administration of applicable surface mining requirements, no Indian lands as defined under SMCRA, are implicated by this rule. But this State program amendment may have substantial direct effects on 20 Federally-recognized Tribes because of the potential implications for the Tribe or Tribal members, Tribal treaty rights, reserved rights, trust resources, or ancestral lands. Therefore, on August 4, 2025, we sent invitation letters to consult to these 20 Tribes (Administrative Record No. MT–045–07). We did not receive any comments or requests for Tribal Consultation.

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

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

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), a State program amendment is a not major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (43 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based on corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

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

Unfunded Mandates Reform Act

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

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface Mining, Underground Mining.

Marcelo Calle,

Acting Regional Director, Unified Regions, 5, 7–11.

For the reasons set out in the preamble, 30 CFR part 926 is amended as set forth below:

PART 926—MONTANA

■ 1. The authority citation for part 926 continues to read as follows:

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

■ 2. Amend § 926.15 by adding an entry for ''May 6, 2025'' at the end of the table to read as follows:

§ 926.15 Approval of Montana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * *	* *	* *
May 6, 2025	7/15/2026	Mont. Code. Ann. 82–4–231(10)(k)(ii)(B) *Submission of and action on reclamation plan—Siltation structure construction requirements*—Approved.

[FR Doc. 2026–14244 Filed 7–14–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT–047–FOR; Docket No. OSM–2025–0007; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approving.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Montana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana submitted this proposed amendment to OSM on its own initiative in response to a State law passed by the Montana Legislature—House Bill 616 (HB 616). The amendment to the Montana coal program regulations proposed that predictive modeling, along with monitoring data, may be included in a permittee's bond release application to prove compliance with their approved reclamation plans. Furthermore, Montana proposed that it may retain a portion of a bond for areas that are contributing suspended solids. HB 616 also included contingencies that apply to the proposed amendment but are not codified into the Montana Code Annotated (MCA): a severability clause, a contingent voidness clause, and an effective date clause.

DATES: The effective date is August 14, 2026.

FOR FURTHER INFORMATION CONTACT: Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program
II. Submission of the Amendment
III. OSM's Findings
A. Montana Code Annotated (MCA) 82–4–232
1. MCA 82–4–232(6)(a)(i)
2. MCA 82–4–232(6)(a)(ii)
3. MCA 82–4–232(6)(b)(iv)
4. MCA 82–4–232(6)(h)
5. MCA 82–4–232(6)(i)

6. MCA 82–4–232(6)(k)(ii)
7. MCA 82–4–232(6)(k)(iv)(A)
B. Sections 2, 3, and 4 of HB 616
1. Section 2. Contingent Voidness
2. Section 3. Severability
3. Section 4. Effective Date
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Montana Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with SMCRA and are consistent with the Federal implementing regulations. *See* 30 U.S.C. 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a). On the basis of these criteria, the Secretary of the Interior conditionally approved the Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning the Montana program and program amendments at 30 CFR 926.15.

II. Submission of the Amendment

By letter dated May 6, 2025 (Administrative Record No. MT–047–01), Montana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). We found Montana's proposed amendment to be administratively complete on May 7, 2025. Montana submitted the proposed amendment to us, on its own volition, after the Montana legislature passed HB 616 during the 2025 legislative session. HB 616 amended the Montana Strip and Underground Mine Reclamation Act (MSUMRA) as well as section 82–4–232 of the MCA.

Montana proposes several changes throughout 82–4–232(6) of the MCA. First, Montana proposes that, in a permittee's application for bond release, the permittee may include other information or methods to demonstrate compliance with its approved reclamation plan, including predictive modeling, if it is used in conjunction with monitoring data. Second, Montana proposes that the Montana Department of Environmental Quality (MDEQ) may use a permittee's predictive modeling in its review and determination of the permittees bond release application. Third, Montana proposes that MDEQ can retain a portion of a permittee's bond if sediment sampling or predictive modeling demonstrates that disturbed areas proposed for release are contributing suspended solids to streams and runoffs.

Lastly, HB 616 added three contingencies to the proposed changes of § 82–4–232 that are not codified into the MCA but apply to the sections amended by the legislation. These provisions cover severability, contingent voidness, and effective date.

We announced receipt of the proposed amendment in the August 4, 2025, edition of the **Federal Register** (90 FR 36402). We received seven written comments on the proposed rule.

III. OSM's Findings

OSM reviewed Montana's submittal according to the requirements of SMCRA and the Federal regulations at 30 CFR 730.5, 732.15, and 732.17. As described below, we are approving Montana's submittal.

A. Montana Code Annotated (MCA) 82–4–232

As discussed in more detail below, Montana's proposed changes to its bond release requirements at MCA 82–4–232, which added an option to use predictive modeling in conjunction with monitoring data to demonstrate and assess compliance with an operation's approved reclamation plan, are in accordance with SMCRA and consistent with the Federal regulations.

1. MCA 82–4–232(6)(a)(i)

Montana's proposed creation and changes to MCA 82–4–232(6)(a)(i) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(a)(i), which contains rules for a permittee submitting a bond release application and a public notice for said bond release application, Montana created a new subsubsection from the first part of current subsection 6(a) and then added language that allows a permittee to include in its public notice ''other information or methods, including predictive modeling, which may be used in conjunction with the monitoring data compiled for the performance bond release application to demonstrate compliance with the approved reclamation plan.''

By comparison, the Federal counterpart for public notice at 30 CFR 800.40(a)(2) requires the operator to notify the public of its application for bond release and submit to the regulatory authority a copy of that notice as well as ''a description of the results achieved as they relate to the permittee's approved reclamation plan,'' but the Federal regulations and SMCRA at 30 U.S.C. 1269 do not give specific methods for demonstrating compliance.

Montana's proposed changes will allow an operator to submit predictive modeling, along with the already required monitoring data, with their bond release public notice and application. Montana is adding this requirement in response to its changes in MCA 82–4–232(6)(k)(ii) and (6)(k)(iv)(A), where Montana allows an operator to demonstrate compliance with a reclamation plan through predictive modeling for soil replacement, permanent siltation ponds, and suspended solids. As required by SMCRA and the Federal regulations, an operator must notify the public of its proposed bond release and must submit evidence of reclamation achievement in its bond release application. Through these proposed changes, Montana would require that, if an operator is using data acquired through predictive modeling to demonstrate compliance with an approved reclamation plan to include that modeling, along with monitoring data, in the bond release notice and application. Thus, Montana's proposed creation and changes to MCA 82–4–232(6)(a)(i) are in accordance with SMCRA and consistent with the Federal regulations.

2. MCA 82–4–232(6)(a)(ii)

Montana's proposed creation and changes to MCA 82–4–232(6)(a)(ii) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(a)(ii) of the MCA, which contains rules for a permittee submitting a bond release application and a proposed public notice for said bond release application, Montana created a new subsubsection from the later part of subsection(6)(a), removed the phrase ''In addition, as'' and replaced it with the word ''As.'' These changes are minor changes to the organization of the MCA and have no substantial effect on the rule. Thus, Montana's proposed creation and changes to MCA 82–4–232(6)(a)(ii) are in accordance with SMCRA and consistent with the Federal regulations.

3. MCA 82–4–232(6)(b)(iv)

Montana's proposed changes to MCA 82–4–232(6)(b)(iv) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(b)(iv), which contains rules for an operator to submit an administratively complete bond release application, Montana added language that allows a permittee to include ''other information or methods, including

predictive modeling, which may be used in conjunction with the monitoring data for the purposes of demonstrating compliance with the approved reclamation plan.''

By comparison, the Federal counterpart at 30 CFR 800.40(a)(2) does not specifically mention methods for demonstrating compliance with the approved reclamation plan, just that the application contain ''a description of the results achieved as they relate to the permittee's approved reclamation plan.'' And while the relevant portion of SMCRA also does not mention specific methods for demonstrating compliance with the approved reclamation plan, it does require that ''[s]uch evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.'' 30 U.S.C. 1269(b).

Montana's proposed changes will allow an operator to submit predictive modeling, along with the already required monitoring data, with their bond release application. Montana is adding this requirement in response to its changes in MCA 82–4–232(6)(k)(ii) and (6)(k)(iv)(A), where Montana allows an operator to demonstrate compliance with a reclamation plan through predictive modeling for soil replacement, permanent siltation ponds, and suspended solids. As required by SMCRA and the Federal regulations, an operator must submit evidence of reclamation achievement in its bond release application. With these revisions, Montana is similarly requiring that, if an operator used predictive modeling to demonstrate compliance with an approved reclamation plan, that operator must submit those modeling results, along with monitoring data, in the bond release application. Thus, Montana's proposed changes to MCA 82–4–232(6)(b)(iv) are in accordance with SMCRA and consistent with the Federal regulations.

4. MCA 82–4–232(6)(h)

Montana's proposed changes to MCA 82–4–232(6)(h) are in accordance with SMCRA and consistent with the Federal regulations. MCA 82–4–232(6)(h), which contains rules for Montana when inspecting and evaluating an operator's reclamation work for its bond release application, requires Montana to consider ''among other things, the degree of difficulty in completing any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance or future occurrence of such pollution, and the estimated cost of abating such pollution'' during its evaluation of a bond release application. Through this amendment, Montana added language that also allows MDEQ to consider ''[o]ther information or methods acceptable to the department, including predictive modeling, [which] may be used in conjunction with monitoring data for the purposes of evaluation and to demonstrate compliance with the approved reclamation plan.''

By comparison, the Federal counterpart at 30 CFR 800.40(b)(1) requires the regulatory authority to consider in its evaluation ''among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.''

Montana's proposed changes will codify Montana's ability to consider predictive modeling, along with the already required monitoring data, in its evaluation of a bond release application. Montana is adding this rule in response to its changes in MCA 82–4–232(6)(k)(ii) and (6)(k)(iv)(A), where Montana allows an operator to demonstrate compliance with a reclamation plan through predictive modeling for soil replacement, permanent siltation ponds, and suspended solids. As required by SMCRA and the Federal regulations, a regulatory authority must consider estimated cost and pollution factors in its evaluation of a bond release application. With these revisions, Montana is similarly allowing that it consider any predictive modeling submitted by the permittee, along with other required data, when evaluating a bond release application. Thus, Montana's proposed changes to MCA 82–4–232(6)(h) are in accordance with SMCRA and consistent with the Federal regulations.

5. MCA 82–4–232(6)(i)

Montana's proposed changes to MCA 82–4–232(6)(i) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(i), which contains rules for MDEQ's determination about the acceptability of an administratively complete bond release application, Montana added language that allows MDEQ to consider ''[o]ther information or methods acceptable to the department, including predictive modeling, may be used in conjunction with monitoring data for the purposes of determining the acceptability of the application and demonstrating compliance with the approved reclamation plan.''

By comparison, the Federal counterpart does not have a requirement that a regulatory authority will consider the acceptability of an administratively complete bond release application, but 30 CFR 800.40(b)(1) requires the regulatory authority to consider ''among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution'' during its evaluation of a bond release application.

Montana's proposed changes will allow MDEQ to consider predictive modeling, along with the already required monitoring data, in its evaluation of a bond release application's acceptability. Montana is adding this requirement in response to its changes in MCA 82–4–232(6)(k)(ii) and (6)(k)(iv)(A), where Montana allows an operator to demonstrate compliance with a reclamation plan through predictive modeling for soil replacement, permanent siltation ponds, and suspended solids. As required by SMCRA and the Federal regulations, a regulatory authority must consider estimated cost and pollution factors in its evaluation of a bond release application. Similarly, Montana is required to consider any predictive modeling submitted, which would be estimated cost or future pollution data, and monitoring data when evaluating a bond release application's acceptability. Thus, Montana's proposed changes to MCA 82–4–232(6)(i) are in accordance with SMCRA and consistent with the Federal regulations.

6. MCA 82–4–232(6)(k)(ii)

Montana's proposed changes to 82–4–232(6)(k)(ii) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(k)(ii), which contains requirements for releasing the portion of the performance bond related to soil replacement and permanent silt dams, Montana added language that allows ''[o]ther information or methods acceptable to the department, including predictive modeling, may be used in conjunction with monitoring data for the purposes of determining soil replacement costs or silt dam maintenance and demonstrating compliance with the approved reclamation plan.''

By comparison, the Federal counterpart at 30 CFR 800.40(c)(1) and (2) do not specifically mention methods

for demonstrating compliance with the approved reclamation plan for soil replacement and permanent silt dams. And while the relevant portion of SMCRA does not mention specific methods for demonstrating compliance with the approved reclamation plan, it does require that ''[s]uch evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.'' 30 U.S.C. 1269(b).

Predictive modeling would be an additional tool that a permittee and MDEQ could use to evaluate future costs and ongoing pollution. Montana, in line with SMCRA and the Federal regulations, still requires an operator to submit monitoring data to demonstrate compliance with soil replacement and permanent silt dams, but this proposed change will allow a permittee in Montana to submit predictive modeling along with required monitoring data to demonstrate soil replacement costs and silt damn maintenance. Thus, Montana's proposed changes to MCA 82–4–232(6)(k)(ii) are in accordance with SMCRA and consistent with the Federal regulations.

7. MCA 82–4–232(6)(k)(iv)(A)

Montana's proposed changes to MCA 82–4–232(6)(k)(iv)(A) are in accordance with SMCRA and consistent with the Federal regulations. At MCA 82–4–232(6)(k)(iv)(A), which contains requirements for MDEQ to retain a portion of the performance bond to satisfy remaining permit conditions for suspended solids and associated runoff, Montana added language that allows MDEQ to determine whether an operation is contributing suspended solids in excess of MCA 82–4–231(10)(k) of the MCA ''as demonstrated by either sediment sampling or predictive modeling as approved by the department.''

By comparison, the Federal counterpart at 30 CFR 800.40(c)(2) does not specifically mention methods for demonstrating compliance with the approved reclamation plan for suspended solids and associated runoff. And while the relevant portion of SMCRA does not mention specific methods for demonstrating compliance with the approved reclamation plan, it does require that ''[s]uch evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.'' 30 U.S.C. 1269(b).

MDEQ would still have to accurately evaluate future costs and ongoing pollution; this change just provides MDEQ with an additional tool for permittees and MDEQ to use to assist with this evaluation. Montana, in line with SMCRA and the Federal regulations, still requires a permittee submitting monitoring data to demonstrate compliance with suspended soils requirements, but this proposed change allows an operator to submit predictive modeling along with required monitoring data to demonstrate a plan for future suspended solid issues. Thus, Montana's proposed changes to 82–4–232(6)(k)(iv) are in accordance with SMCRA and consistent with the Federal regulations.

B. Sections 2, 3, and 4 of HB 616

HB 616 also added contingencies that are not codified into the MCA but that affect the amended parts of the MCA.

1. Section 2. Severability

Section 2 of HB 616 states that if any part of HB 616 is found invalid, the remainder of the bill that is found valid will be severable from the invalid part and remain in effect. While this is legislative language and not part of Montana's surface mining program, we note that the Federal regulation at 30 CFR 732.17(h)(7) requires the Director to consider all relevant information, using the criteria set forth in 30 CFR 732.15, to approve or disapprove the amendment. Regardless of this clause, the Director may approve all or parts of an amendment that are in accordance with SMCRA and consistent with the Federal regulations.

2. Section 3. Contingent Voidness

Section 3 of HB 616 states that if the Secretary of the Interior disapproves of any provision of HB 616 under 30 CFR part 732, then that portion of the bill is void. Furthermore, MDEQ is required to notify the code commissioner of any disapproval within 15 days of the effective date of disapproval. Notwithstanding HB 616, the Federal regulations provide that the OSM Director has the authority to approve or disapprove all or part of a proposed amendment to a State program. 30 CFR 732.17(h)(7). Any program amendment or part of a program amendment disapproved by the OSM Director would be void and would not become part of Montana's approved program.

3. Section 4: Effective Date

Section 4 of HB 616 states that its provisions are ''effective on passage and approval.'' Section 4 of HB 616 does not specify who is providing the ''approval'' that triggers the effective date. SMCRA and the Federal regulations state that no change to law or programs can take effect for purposes of a State program until the amendment is approved by the Director. 30 CFR 732.17(g). The Federal regulations further specify that all decisions approving or not approving a State program amendment must be published in the **Federal Register**. 30 CFR 732.17(h)(12). The Administrative Procedure Act (5 U.S.C. 553) requires that rulemakings become effective at least 30 days after publication of the final rule, unless the agency demonstrates good cause. Thus, the OSM Director's approval is effective 30 days after the publication of this notice.

By looking at the text of HB 616 preceding Section 4, OSM interprets the term ''approval'' to mean the effective date of the approval by the OSM Director. Section 2 speaks to the need for Secretarial approval but provides that if a provision is disapproved, that portion of the HB 616 is severed from the approved portions of the bill. In Section 3, HB 616 states that any provision of HB 616 that the Secretary of the Interior ''disapprov[es]'' shall be void. Taken together, it is appropriate to read ''approval'' as used in Section 4 of HB 616 as referring to action taken consistent with the regulatory review and approval process by the Secretary of the Interior, as delegated to the OSM Director. This interpretation is also consistent with 30 CFR 732.17(g), which refers to approval by the Director of OSM and states that ''[n]o such change to [state] laws or regulations shall take effect for purposes of a State program until approved as an amendment.'' Thus, OSM interprets Section 4 in a way that is both supported by the surrounding statutory text of HB 616 and leads to consistency with SMCRA.

Notwithstanding OSM's interpretation, should the drafters or implementers of HB 616 interpret Section 4 as becoming effective upon approval by an entity other than the Director, that interpretation would conflict with SMCRA and the Federal regulations. No change to State laws or programs can be implemented or become effective before the effective date of the approval by the Director. 30 CFR 732.17(g). Thus, the effective date of HB 616 is August 14, 2026.

IV. Summary and Disposition of Comments

OSM asked for public comments on the amendment during a public comment period that ended on September 3, 2025. OSM received seven written comments during the comment period. (Administrative Record No. MT–047–08 through MT–047–14). To view comments in full, visit *https://www.regulations.gov/.*

Public Comments

Comment: One commenter urged OSM to deny the amendment because it does not limit the types or methods for which predictive modeling can be used, which could incentivize mining companies to use predictive models that are skewed and inaccurate.

OSM Response: OSM disagrees with the commenter. While the proposed rule does not give explicit instructions for modeling types or methods, Montana has limited predictive models to data for soil replacement and permanent siltation ponds under MCA 82–4–232(6)(k)(ii) and suspended solids and associated run-off under MCA 82–4–232(6)(k)(iv)(A). As technology advances, predictive modeling methods will likely adapt and change. Language in the MCA that unduly restricts the types and methods of predictive modeling allowed could prevent operators from employing newer and more accurate modeling. Moreover, predictive modeling does not override MDEQ's duty to demonstrate compliance and accurately evaluate future costs and ongoing pollution; predictive modeling is simply another tool for MDEQ to consider when evaluating bond release applications and reclamation plans. If MDEQ has concerns about the quality of the model, those concerns would factor into its determination on bond release. For further information, please see our full discussions on these topics in Section III(A)(6)&(7).

Comment: One commenter opined that OSM should deny the amendment because it is contradictory that a predictive model would be used in the ''description of results achieved'' in a bond release application. Furthermore, they stated that Montana should be more clear in its proposed rules that any use of predictive modeling does not exempt mine operators from their responsibility to oversee actual, demonstrated, on-the-ground reclamation.

OSM Response: OSM disagrees with the commenter. The release of a performance bond requires a permittee to submit reclamation results they have achieved but predictive data is often important as well. Bond releases go through multiple stages, with each stage covering different types of reclamation. Especially in the earlier stages of bond release, it is important to calculate potential costs of future reclamation work, such as estimating the cost of replacing soil or the cost to re-vegetate the land. SMCRA requires that a regulatory authority ''shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.'' 30 U.S.C. 1269(b). Through this amendment, Montana will allow operators to present MDEQ with predictive models to provide data on estimated costs for soil replacement and permanent siltation structures, as well as predict the likelihood of pollution related to suspended solids. This future looking data collection is consistent with SMCRA and the Federal regulations and does not eliminate or replace the requirements that permittees are already required to submit, such as required monitoring data. Please see our full discussion of this topic in Section III(A)(3).

Comment: One commenter opined that if predictive models are to be used in the bond release application, the models should be subject to the public review process, be made available to the public upon request, and there should be a codified process in the event the predictive model is found to be unsatisfactory.

OSM Response: Montana's revisions to MCA 82–4–232(6)(a)(i) require the predictive models to be submitted with the bond release application, which is subject to the public review process. The operator is also required to submit a public notice of the proposed bond release, which must include ''a description of results achieved.'' If an operator is using a predictive model to show results achieved, that fact must be included in the public notice. Furthermore, any comments or concerns the public has with the predictive model can be addressed through the public participation process established for bond release applications at MCA 82–4–232(6)(d). Please see our full discussion of this topic in Section III(A)(1).

Comment: Multiple commenters opined that they supported the amendment because it modernizes the reclamation process, improves accuracy of data used in reclamation decisions, and gives all stakeholders greater confidence that reclamation will be completed and successful. Furthermore, they opined that data from predictive models creates a more defensible decision-making process for bond releases, which at times are contentious decisions that go under a great deal of scrutiny.

OSM Response: OSM agrees with the commenters that Montana's proposed use of predictive modeling will offer another tool upon which MDEQ can rely to make its bond release decisions. Please see our full discussion on this topic in Section III(A).

Comment: Multiple commenters urged OSM to approve the amendment because it retains SMCRA and Federal requirements that an operation must prove it has successfully reclaimed a mining operation with monitoring data while allowing a permittee to submit supplemental information. The predictive models would be an additional tool an operation has in providing information for bond release applications.

OSM Response: OSM agrees with the commenters that Montana's amendment retains its SMCRA and Federal requirements and the additional option of predictive models is consistent with said requirements. Please see our full discussion on this topic in Section III(A).

Comment: Multiple commenters stated that OSM should approve the amendment because predictive modeling is already widely used by Federal agencies, including OSM, who use various predicative models to ''assess or optimize remediation or reclamation activities.'' The commenters argued that Montana adopting predictive models similar to what OSM already uses in its Federal program will ensure that Montana will be making bond release decisions with more reliable data.

OSM Response: OSM uses various predictive models in our bond reclamation assessments, and OSM agrees with the commenter that Montana would be consistent with SMCRA and the Federal regulations by adopting the predictive modeling proposed here. While SMCRA and the Federal regulations do not specifically mention methods for demonstrating compliance with the approved reclamation plan for suspended solids and associated runoff, SMCRA does require that ''[s]uch evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of

continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.'' 30 U.S.C. 1269(b). Data from predictive modeling aids regulators in making these determinations. Please see our full discussion on this topic in Section III(A)(7).

Comment: Multiple commenters stated that OSM should approve the amendment because it is in line with SMCRA and the Federal regulations, while also following SMCRA's directive to tailor state programs to local environmental conditions and to use the best scientific tools available.

OSM Response: OSM agrees with the commenter, Montana's amendment is consistent with SMCRA and the Federal regulations while also creating an additional tool that will allow Montana to collect supplemental data in areas it deems beneficial to its programmatic needs.

Comment: The sponsor of HB 616, Montana State Representative Steve Gist, stated that the proposed these changes in response to the time consuming and costly process of Montana's current procedures for sediment sampling. Due to how large and vast coal mines and neighboring drainage basins are in Montana, Representative Gist opined it was practically impossible to gather suspended solids data consistently after each runoff event, and sampling data for individual locations may be spotty or incomplete at times. Representative Gist stated that HB 616 would allow a permittee and Montana regulatory authority to gather representative data and use a computer model to simulate the postmining sediment loads for the entire drainage basin, which he claimed is a far more efficient process that would reduce costs associated with sampling. (Administrative Record No. MT–047–12).

OSM Response: OSM thanks Montana State Representative Gist for providing further insight into this proposed change to the Montana program. OSM agrees that predictive modeling can, if done correctly, offer a new sediment sampling process that is both less expensive and as accurate as traditional sampling methods. Please note that the operator is still responsible for providing MDEQ with data that allows MDEQ to accurately evaluate future costs and ongoing pollution; this change only provides MDEQ with an additional tool for permittees and MDEQ to use to assist with this evaluation and all other previously required data, such as monitoring data, are still required. Please see our full discussion of this topic in Section III(A)(7).

Comment: One commenter stated that OSM should approve the amendment because it reaffirms the national priority of bolstering domestic energy and mineral production. They also stated that this amendment aligns with the following Executive Orders: *Unleashing American Energy* (Jan. 20, 2025), *Immediate Measures to Increase American Mineral Production* (Mar. 20, 2025), and *Reinvigorating America's Beautiful Clean Coal Industry* (Apr. 8, 2025).

OSM Response: OSM approves state program amendments in line with requirements set forth by SMCRA and 30 CFR 732.17, and OSM found Montana's amendment to be in accordance with SMCRA and consistent with the Federal regulations. OSM does agree with the commenters that Montana's proposed amendment also aligns with the Executive Orders the commenters listed above.

Comment: One commenter stated that OSM should approve the amendment because SMCRA does not limit the information that may be submitted for a bond release application. Furthermore, they stated that SMCRA at 30 U.S.C. 1269(b) does specify that a regulatory agency shall consider the probability of future pollution and estimated costs with abating such pollution, and the predictive models that Montana is proposing would provide the data necessary for the regulatory authority to make that determination.

OSM Response: OSM agrees with the commenter, SMCRA does not discuss the type of data that may be submitted in a bond release application, but it does direct OSM and the states to consider the probability of future costs and pollution. OSM also agrees that Montana's proposed use of predictive modeling will provide data that will help Montana better determine future pollution and estimated costs. Please see our full discussion on this topic in Section III(A)(3).

Federal Agency Comments

On September 10, 2025, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies that have an actual or potential interest in the Montana program (Administrative Record No. MT–047–04). We did not receive any comments in return.

EPA Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the CWA (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (43 U.S.C. 7401 *et seq.*). This amendment does not relate to air or water quality standards and thus does not require a written concurrence from the EPA. Even so, on September 10, 2025, under 30 CFR 732.17(h)(11)(i), we sent a letter requesting comments from the EPA on the amendment (Administrative Record No. MT–047–xx). The EPA did not provide any comments for this amendment.

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

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On September 10, 2025, we requested comments on the amendment (Administrative Record No. MT–047–04). Montana SHPO and the ACHP did not provide a comment.

V. OSM's Decision

Based on the above findings, we are approving Montana's proposed amendment (MT–047–FOR) sent to us on May 6, 2026 (Administrative Record No. MT–047–01).

To implement this decision, we are amending the Federal regulations at 30 CFR part 926, which codify decisions concerning the Montana program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires that a State program must have rules and regulations that are in accordance with SMCRA and consistent with Federal regulations.

VI. Procedural Determinations

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

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

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

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, supplements Executive Order 12866.

Executive Order 12988—Civil Justice Reform

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

Executive Order 13132—Federalism

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined that, with the exception of the Crow Tribe's ''Ceded Strip'' which through a memorandum of understanding the Department of the Interior and Montana agreed to coordinate the administration of applicable surface mining requirements, no Indian lands, as defined under SMCRA, are implicated by this rule. But this State program amendment may have substantial direct effects on 20 federally recognized Tribes because of the potential implications for the Tribe or Tribal members, Tribal treaty rights, reserved rights, trust resources, or ancestral lands. Therefore, on August 4, 2025, we sent invitation letters to consult to these 20 Tribes (Administrative Record No. MT–047–07). We did not receive any comments or requests for Tribal Consultation.

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

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

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), a State program amendment is a not major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (43 U.S.C. 4332(2)(C).

Paperwork Reduction Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based on corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Small Business Regulatory Enforcement Fairness Act

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

Unfunded Mandates Reform Act

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

List of Subjects in 30 CFR Part 926

Intergovernmental Relations, Surface mining, Underground mining.

Marcelo Calle,

Acting Regional Director, Unified Regions, 5, 7–11.

For the reasons set out in the preamble, 30 CFR part 926 is amended as set forth below:

PART 926—MONTANA

■ 1. The authority citation for part 926 continues to read as follows:

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

■ 2. Amend § 926.15 by adding an entry for ''May 6, 2025'' at the end of the table to read as follows:

§ 926.15 Approval of Montana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * * * *		
May 6, 2025	July 15, 2026	Mont. Code. Ann., 82–4–232 *Area mining required—bond—alternative plan—Predictive modeling*—Approved.

[FR Doc. 2026–14245 Filed 7–14–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0939]

RIN 1625–AA00

Safety Zone; Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the Cuyahoga River. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with a large paddling regatta marine event on July 18, 2026. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes, or their designated representative.

DATES: This rule is effective from 8:15 a.m. through 11:15 p.m. on July 18, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0939.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Andrew Nevenner, Waterways Management Division, MSU Cleveland, U.S. Coast Guard; telephone 216–701–5989, email *Andrew.J.Nevenner@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 received notification that a paddling regatta will be held on the Cuyahoga River near Cleveland, OH. The Captain of the Port (COTP) Sector Eastern Great Lakes has determined that potential hazards associated with the paddling event include the possibility that participants transiting within approaches to local public and private boat facilities might collide with or otherwise interfere with boaters near those facilities and commercial vessels transiting the navigation channel. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, 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. We must establish this safety zone by July 18, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reason, 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 safety zone on July 18, 2026. The safety zone will cover all navigable waters of the Cuyahoga River beginning at Point 1 at 41°29′54.1″ N, 81°42′17″ W, to the turnaround at Point 2 at 41°27′53.7″ N, 81°40′32.6″ W. The safety zone will be in effect from 8:15 a.m. through 11:15 a.m. on July 18, 2026. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

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 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. Add § 165.T09–0939 to read as follows:

§ 165.T09–0939 Safety Zone; Cuyahoga River, Cleveland, OH.

(a) *Location.* The following area is a safety zone: All navigable waters of the Cuyahoga River, from surface to bottom, beginning at 41°29′54.1″ N, 81°42′17″ W, and continuing to the turnaround point at 41°27′53.7″ N, 81°40′32.6″ W. These coordinates are based on the 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 Eastern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (216) 701–5989. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 8:15 a.m. to 11:15 p.m. on July 18, 2026.

Matthew J. Walter,

Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.

[FR Doc. 2026–14224 Filed 7–14–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0276]

RIN 1625–AA00

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising existing regulations for recurring safety zones in the Captain of the Port Duluth Zone. These changes will allow for limited geographic flexibility in the location of recurring safety zones for certain annual marine events. This rulemaking is intended to permit the Captain of the Port Marine Safety Unit Duluth to provide notification of enforcement of recurring safety zones in the vicinity of published coordinates, rather than requiring enforcement at a fixed point. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards associated with these events.

DATES: This rule is effective August 14, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0276.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 206–815–7117 (option 6), or email *Zachary.A.Fedak@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

Each year, the Coast Guard establishes recurring safety zones for annual marine events in the Captain of the Port Duluth Zone to protect participants, spectators, vessels, and the marine environment from hazards such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. Historically, these safety zones have been defined by fixed geographic coordinates in Table 1 to § 165.943. However, event organizers sometimes need to shift the location of an event slightly due to operational, environmental, or logistical factors. The current regulation does not allow for such flexibility, requiring a separate rulemaking for any change in coordinates. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70034, which is needed to allow for limited geographic flexibility in the enforcement of safety zones for recurring events, thereby improving efficiency and safety. The regulatory text we are proposing appears at the end of this document.

III. Discussion of Comments and the Rule

During the comment period that ended on July 2, 2026, we received one

comment on our NPRM published June 2, 2026. The comment did not pertain to the proposed recurring safety zones updates or any relevant aspect of maritime safety or navigation. As such, the comment was deemed unrelated to the proposed regulation, and no changes were made to the rule from the proposed rule in the NPRM.

This rule revises the existing regulatory text and associated table establishing annually recurring safety zones within the Captain of the Port (COTP) Duluth Zone, as listed in 33 CFR 165.943. The changes update event listings and structure the rule to accommodate geographic flexibility in subsequent Notifications of Enforcement. These revisions are intended to improve the clarity, consistency, and timeliness of public notification.

The general durations of the safety zones remain unchanged, and the geographic locations have been minimally altered to note that they are ''approximate.'' Each safety zone will continue to be enforced only during specific periods, which will be announced in advance through publication of a Notification of Enforcement in the **Federal Register** and via Broadcast Notices to Mariners over VHF–FM marine channel 16. These measures ensure continued protection of persons, vessels, and the navigable waters of the western Great Lakes during recurring safety zone enforcement periods.

During periods of enforcement, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative. The regulatory text appears at the end of this document.

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 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 zones listed within Table 1 to § 165.943, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic is often able to safely transit around these regulated areas. This regulation will only impact small areas for a few hours each. The enforcement periods generally are during a time when vessel traffic is normally low. In addition, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter a regulated area 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

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 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. Revise § 165.943 to read as follows:

§ 165.943 Safety Zones; Recurring Events in Captain of the Port Duluth Zone.

(a) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones are prohibited unless authorized by the Captain of the Port (COTP) Duluth or his or her designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the COTP Duluth or his or her designated on-scene representative.

(3) The ''on-scene representative'' of the COTP Duluth is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP Duluth to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the COTP Duluth or his or her on-scene representative to obtain permission to do so. The COTP Duluth or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Duluth, or his or her on-scene representative.

(5) The enforcement dates, times, and coordinates or location for each of the safety zones listed in Table 1 are subject to limited change, but the duration of enforcement would remain the same or nearly the same as stated in Table 1. In the event of a change, the COTP Duluth will provide notice to the public by publishing a Notification of Enforcement in the **Federal Register**, as well as issuing a Broadcast Notice to Mariners.

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

(1) *Designated representative* means any 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 Duluth in the enforcement of each safety zone.

(2) *Public vessel* means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) *Rain date* refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) *Suspension of enforcement.* The COTP Duluth may suspend enforcement of any of these zones earlier than listed in this section. Should the COTP Duluth suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the COTP Duluth or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

(f) *Notification.* The enforcement dates and times, as well as the listed coordinates or location for each of the listed safety zones are subject to limited change. Advance notice to the local maritime community will be made well in advance of the events through Notification(s) of Enforcement in the **Federal Register**, listing exact times and dates of the enforcement periods, as well as coordinates or location if changed. A Broadcast Notice to Mariners will also be issued.

TABLE 1 TO § 165.943

[Datum NAD 1983]

Event	Location [1]	Enforcement date and time
(a) January Safety Zones		
[Reserved].		
(b) February Safety Zones		
[Reserved].		
(c) March Safety Zones		
[Reserved].		
(d) April Safety Zones		
[Reserved].		
(e) May Safety Zones		
[Reserved].		
(f) June Safety Zones		
(1) Bridgefest Regatta Fireworks Display.	All waters of the Keweenaw Waterway in Hancock, MI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 47°07′22″ N, 088°35′28″ W.	Mid-June.
(g) July Safety Zones		
(1) Ashland 4th of July Fireworks Display.	All waters of Chequamegon Bay in Ashland, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°35′50″ N, 090°52′59″ W.	On or around July 4th.
(2) City of Bayfield 4th of July Fireworks Display.	All waters of the Lake Superior North Channel in Bayfield, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°48′40″ N, 090°48′32″ W.	On or around July 4th.
(3) Cornucopia 4th of July Fireworks Display.	All waters of Siskiwit Bay in Cornucopia, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°51′35″ N, 091°06′15″ W.	On or around July 4th.
(4) Duluth 4th Fest Fireworks Display.	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°46′14″ N, 092°06′16″ W.	On or around July 4th.

TABLE 1 TO § 165.943—Continued

[Datum NAD 1983]

Event	Location [1]	Enforcement date and time
(5) LaPointe 4th of July Fireworks Display.	All waters of Lake Superior in LaPointe, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°46′40″ N, 090°47′22″ W.	On or around July 4th.
(6) Two Harbors 4th of July Fireworks Display.	All waters of Agate Bay in Two Harbors, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 47°00′54″ N, 091°40′04″ W.	On or around July 4th.
(7) Superior 4th of July Fireworks Display.	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°43′28″ N, 092°03′38″ W.	On or around July 4th.
(h) August Safety Zones		
(1) Point to LaPointe Swim ..	All waters of the Lake Superior North Channel between Bayfield and LaPointe, WI within an imaginary line created by the following approximate coordinates: 46°48′50″ N, 090°48′44″ W, moving southeast to 46°46′44″ N, 090°47′33″ W, then moving northeast to 46°46′52″ N, 090°47′17″ W, then moving northwest to 46°49′03″ N, 090°48′25″ W, and finally returning to the starting position.	Early August.
(2) Lake Superior Dragon Boat Festival Fireworks Display.	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at approximate position 46°43′28″ N, 092°03′47″ W.	Late August.
(3) Superior Man Triathlon ...	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within an imaginary line created by the following approximate coordinates: 46°46′36″ N, 092°06′06″ W, moving southeast to 46°46′32″ N, 092°06′01″ W, then moving northeast to 46°46′45″ N, 092°05′45″ W, then moving northwest to 46°46′49″ N, 092°05′49″ W, and finally returning to the starting position.	Late August.
(i) September Safety Zones		
[Reserved].		
(j) October Safety Zones		
[Reserved].		
(k) November Safety Zones		
[Reserved].		
(l) December Safety Zones		
[Reserved].		

[1] Any variation in location will be published in the Notification(s) of Enforcement released in advance of these events.

John P. Botti,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Duluth.

[FR Doc. 2026–14207 Filed 7–14–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 7

[Docket No. PTO–T–2026–0166]

RIN 0651–AD95

References to Electronic Filing Systems in Rules of Practice in Filings Pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) issues this final rule to effectuate a nomenclature change by substituting generic terminology for references to particular electronic filing systems used to submit correspondence related to international applications originating with the United States under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol). This amendment clarifies terminology without changing filing requirements or statutory obligations.

DATES: This rule is effective July 15, 2026.

FOR FURTHER INFORMATION CONTACT: Jessica Ludeman, Office of the Deputy Commissioner for Trademark Examination Policy, at 571–272–7183 or *TMFRNotices@uspto.gov*.

SUPPLEMENTARY INFORMATION: This final rule amends 37 CFR part 7 to replace references to the USPTO's electronic filing system names, ''Trademark Electronic Application System'' and

''TEAS'' with generic terminology for the filing systems used to submit documents as part of international applications and subsequent designations originating in the United States under the Madrid Protocol.

The Madrid Protocol went into effect in the United States on November 2, 2003, and was implemented under 15 U.S.C. 1141 *et seq.* and 37 CFR parts 2 and 7. The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland administers the Madrid system for international trademark registration. The Regulations Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Regs. Rule) set forth the procedures regarding the administration of the Madrid Protocol, pursuant to Madrid Protocol Article (Article) 10(2)(iii). The Madrid Protocol Implementation Act of 2002 amended the U.S. Trademark Act to provide that the owner of a U.S. trademark registration or pending application (basic registration or basic application) may seek protection of its mark in any of the member countries of the Madrid Protocol by submitting a single international application originating in the United States if the owner is a national of, is domiciled in, or has a real and effective industrial or commercial establishment in the United States. 15 U.S.C. 1141a; Trademark Manual of Examining Procedure (TMEP) 1902.01.

The USPTO Madrid Processing Unit (MPU) reviews international applications to determine whether the information contained therein corresponds to the information in the associated basic application or basic registration. If the international application meets the requirements of 37 CFR 7.11(a), the MPU will certify the application and forward it to the IB. 15 U.S.C. 1141b; 37 CFR 7.13(a).

Once the IB receives the certified international application from the USPTO, the IB will examine the application for completeness. If an international application is not complete, the IB will notify both the applicant and the USPTO of the irregularity. TMEP 1902.07. The irregularity notice will specify whether the response must be provided by the USPTO or the applicant. See 37 CFR 7.14; TMEP 1902.07; Regs. Rule 11.

Applicants must file responses to irregularities regarding the classification and/or identification of goods and/or services through the USPTO. See TMEP 1902.07(c). For responses to IB notices of irregularity that must be submitted by the applicant through the USPTO, the response must be filed through the Trademark Electronic Application System (TEAS) unless the filer is a national of a country that has acceded to the Trademark Law Treaty but not to the Singapore Treaty on the Law of Trademarks. 37 CFR 7.4(a), (c). If TEAS is unavailable, or in an extraordinary situation, an applicant or registrant under this section who is required to file a submission through TEAS may submit a petition to the Director under 37 CFR 2.146(a)(5) and (c) of this chapter to accept the submission filed on paper. 37 CFR 7.4(d).

Further, the holder of an international registration may request an extension of protection of the international registration to additional Contracting Parties after the IB registers the mark. This request for an extension of protection is known as a subsequent designation. 37 CFR 7.21(b). A holder may file a subsequent designation originating with the USPTO if: (1) the international registration is based on a basic application filed with the USPTO and/or a basic registration issued by the USPTO and (2) the holder is a national of, is domiciled in, or has a real and effective industrial or commercial establishment in the United States. 15 U.S.C. 1141d; 37 CFR 7.21(a)–(b); TMEP 1902.01.

The nomenclature change in this final rule supports a technology update that will enable filers to submit international applications and responses to irregularity notices through the Madrid e-Filing system (Madrid e-Filing), a WIPO-operated electronic filing system, that has been designated by the Director of the USPTO for filing. Although Madrid e-Filing will be the primary method of filing these documents, TEAS will remain available for filing U.S. office of origin international applications until at least September 2026 and responses to notices of irregularity until all international applications originally filed through TEAS have reached a final disposition. The holder of a U.S. office of origin international registration who is a national of, is domiciled in, or has a real and effective business or commercial establishment in the United States will continue to have the option to submit a subsequent designation through the IB or through the USPTO using TEAS, and eventually Trademark Center, which is another trademark electronic filing system that will replace TEAS.

The rule does not change any statutory obligations under 15 U.S.C. 1141–1141c or the filing requirements of 37 CFR part 7. However, when applicants use Madrid e-Filing to submit a U.S. office of origin international application, all fees are paid directly to WIPO, and therefore the fees required by 37 CFR 7.6(a)(1)–(2) and 7.7(a)(1) will be charged in the Swiss franc equivalent of the U.S. dollar amount at the time of transaction. See Regs. Rule 35(1).

Discussion of Regulatory Changes

The USPTO amends § 7.1 to revise paragraph (c) to replace ''The acronym TEAS means the Trademark Electronic Application System'' with ''Trademark electronic filing system means the electronic filing system designated by the Director'' and to replace ''TEAS'' with ''the trademark electronic filing system.''

The USPTO amends § 7.4 to revise paragraphs (a) and (d) to replace references to ''TEAS'' with ''the trademark electronic filing system.''

The USPTO amends § 7.6 to revise paragraph (b) to add ''or the U.S. dollar equivalent if the fee is paid directly to the International Bureau at the time of submission of the requested action.''

The USPTO amends § 7.7 to revise paragraph (a) to replace ''TEAS'' with ''the trademark electronic filing system.'' The USPTO revises paragraph (b)(1)(ii) to remove ''In this case, an applicant or holder's submission to the Office must include the International Bureau receipt number for payment of the fees.''

The USPTO amends § 7.11 to revise paragraphs (a) and (a)(10) to replace the ''TEAS'' with ''the trademark electronic filing system.''

The USPTO amends § 7.21 to revise paragraphs (b) and (b)(8) to replace ''TEAS'' with ''the trademark electronic filing system.''

Rulemaking Requirements

A. Administrative Procedure Act: This final rule amends the regulations to implement a nomenclature change by substituting generic terminology for references to TEAS, the USPTO's trademark electronic filing system used to submit documents as part of international applications and subsequent designations originating in the United States under the Madrid Protocol system. The amendments in this final rule do not change the substantive criteria for the registration of an international trademark originating with the United States under the Madrid Protocol. Therefore, the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules and do not require notice-and-comment rulemaking pursuant to 5 U.S.C. 553(b)(B). *See Perez* v. *Mortg. Bankers Ass'n,* 575 U.S. 92, 97, 101 (2015) (explaining that interpretive rules ''advise the public of

the agency's construction of the statutes and rules which it administers'' and do not require notice-and-comment when issued or amended); *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice''); *In re Chestek PLLC,* 92 F.4th 1105, 1110 (Fed. Cir. 2024) (noting that rule changes that ''do[ ] not alter the substantive standards by which the USPTO evaluates trademark applications'' are procedural in nature and thus ''exempted from notice-and-comment rulemaking.''); and *JEM Broad. Co.* v. *F.C.C.,* 22 F.3d 320, 328 (D.C. Cir. 1994) (''[T]he 'critical feature' of the procedural exception [in 5 U.S.C. 553(b)(A)] 'is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.' '' (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980))).

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The USPTO has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, and as discussed above, the USPTO has, to the extent feasible and applicable: (1) made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across Government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 14192 (Deregulation): This regulation is not an Executive Order 14192 regulatory action because it has been determined to be not significant under Executive Order 12866.

F. Executive Order 13132 (Federalism): This rulemaking pertains strictly to federal agency procedures and does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

G. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes, (2) impose substantial direct compliance costs on Indian tribal governments, or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

H. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

J. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

K. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

L. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

M. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

N. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

O. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

P. Paperwork Reduction Act of 1995: This final rule does not involve information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 unless that collection of information has a currently valid OMB control number.

Q. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen

access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 7

Administrative practice and procedure, Trademarks.

For the reasons stated in the preamble, the USPTO amends 37 CFR part 7 as follows:

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

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

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

■ 2. Amend § 7.1 by revising paragraph (c) to read as follows:

§ 7.1 Definitions of terms as used in this part.

* * * * *

(c) *Trademark electronic filing system* means the electronic filing system designated by the Director and, as used in this part, includes all related electronic systems required to complete an electronic submission through the trademark electronic filing system.

* * * * *

■ 3. Amend § 7.4 by revising paragraphs (a) and (d) to read as follows:

§ 7.4 International applications and registrations originating from the USPTO—Requirements to electronically file and communicate with the Office.

(a) Unless stated otherwise in this chapter, all correspondence filed with the USPTO relating to international applications and registrations originating from the USPTO must be submitted through the trademark electronic filing system and include a valid email address for correspondence.

* * * * *

(d) If the trademark electronic filing system is unavailable, or in an extraordinary situation, an applicant or registrant under this section who is required to file a submission through the trademark electronic filing system may submit a petition to the Director under § 2.146(a)(5) and (c) of this chapter to accept the submission filed on paper.

* * * * *

■ 4. Amend § 7.6 by revising paragraph (b) to read as follows:

§ 7.6 Schedule of U.S. process fees.

* * * * *

(b) The fees required in paragraph (a) of this section must be paid in U.S. dollars at the time of submission of the requested action or the U.S. dollar equivalent if the fee is paid directly to the International Bureau at the time of submission of the requested action. See § 2.207 of this chapter for acceptable forms of payment and § 2.208 of this chapter for payments using a deposit account established in the Office.

■ 5. Amend § 7.7 by revising paragraphs (a) introductory text and (b)(1)(ii) to read as follows:

§ 7.7 Payments of fees to International Bureau.

(a) For documents filed through the trademark electronic filing system, the following fees may be paid either directly to the International Bureau or through the Office:

* * * * *

(b) * * *

(1) * * *

(ii) Directly to the International Bureau using any other acceptable method of payment; or

* * * * *

■ 6. Amend § 7.11 by revising paragraphs (a) introductory text and (a)(10) to read as follows:

§ 7.11 Requirements for international application originating from the United States.

(a) The Office will grant a date of receipt to an international application that is filed through the trademark electronic filing system in accordance with § 7.4(a), or typed on the official paper form issued by the International Bureau, if permitted under § 7.4(c) or accepted on petition pursuant to § 7.4(d). The international application must include all of the following:

* * * * *

(10) If the application is filed through the trademark electronic filing system, the international application fees for all classes, and the fees for all designated Contracting Parties identified in the international application (*see* § 7.7); and

* * * * *

■ 7. Amend § 7.21 by revising paragraphs (b) introductory text and (b)(8) to read as follows:

§ 7.21 Subsequent designation.

* * * * *

(b) The Office will grant a date of receipt to a subsequent designation that is filed though the trademark electronic filing system in accordance with § 7.4(a), or typed on the official paper form issued by the International Bureau, if permitted under § 7.4(c) or accepted on petition pursuant to § 7.4(d). The subsequent designation must contain all of the following:

* * * * *

(8) If the subsequent designation is filed through the trademark electronic filing system, the subsequent designation fees (*see* § 7.7).

* * * * *

John A. Squires,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2026–14240 Filed 7–14–26; 8:45 am]

BILLING CODE 3510–16–P

Proposed Rules

Federal Register
Vol. 91, No. 134
Wednesday, July 15, 2026

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7219; Project Identifier MCAI–2024–00404–E]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

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 Rolls-Royce Deutschland Ltd & Co KG (RRD) Model BR700–725A1–12 engines. This proposed AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing time limits manual (TLM) to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. This proposed AD would require revising the ALS of the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 31, 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–2026–7219; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@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–2026–7219; Project Identifier MCAI–2024–00404–E'' 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 Barbara Caufield, 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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0136, dated July 11, 2024 (EASA AD 2024–0136) (also referred to as the MCAI), to correct an unsafe condition on RRD Model BR700–725A1–12 engines. The MCAI was prompted by the manufacturer revising the ALS of the existing TLM to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. This condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–7219.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0136, which specifies procedures for revising the ALS of the existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive tasks and limitations and associated

thresholds and intervals for life-limited parts. 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 the MCAI, 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 Proposed AD and the MCAI

Where paragraph (3) of EASA AD 2024–0136 specifies revising the approved Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2024–0136, this proposed AD would require revising the ALS of the existing approved engine maintenance or inspection program, as applicable, within 30 days after the effective date 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 2024–0136 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0136 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 2024–0136 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 2024–0136. Material required by EASA 2024–0136 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–7219 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 758 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS	1 work-hour × $85 per hour = $85	$0	$85	$64,430

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:

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2026–7219; Project Identifier MCAI–2024–00404–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 31, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG Model BR700–725A1–12 engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the airworthiness limitations section of the existing time limits manual to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. The FAA is issuing this AD to prevent failure of critical rotating parts. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss 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, European Union Aviation Safety Agency (EASA) AD 2024–0136, dated July 11, 2024 (AD 2024–0136).

(h) Exceptions to EASA AD 2024–0136

(1) Where EASA AD 2024–0136 requires compliance from its effective date, this AD requires using the effective date of this AD.

(2) This AD does not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2024–0136.

(3) Where paragraph (3) of EASA AD 2024–0136 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP,'' replace that text with ''Within 30 days after the effective date of this AD, revise the airworthiness limitation section of the existing approved engine maintenance or inspection program, as applicable''.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0136 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2024–0136 or within 30 days after the effective date of this AD, whichever occurs later.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0136.

(i) Provisions for Alternative Actions and Intervals

No alternative actions and associated thresholds and intervals, including life limits, are allowed for compliance with paragraph (g) of this AD unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2024–0136.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or 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 (k) of this AD and email to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@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 2024–0136, dated July 11, 2024.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this 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 July 13, 2026.

Brian Knaup,

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

[FR Doc. 2026–14281 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7220; Project Identifier MCAI–2025–01738–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022–27–08, which applies to certain Bell Textron Canada Limited (Bell) Model 407 helicopters. AD 2022–27–08 requires inspecting the tailboom attachment structure and reporting the inspection results. Since the FAA issued AD 2022–27–08, two additional broken upper-left tailboom attachment bolts have been reported. This proposed AD would require repetitively inspecting the tail boom attachment structure, performing a torque inspection, and replacing attachment hardware. This proposed AD would also include performing a detailed inspection of the tail boom assembly and associated aft fuselage structure, which would be a terminating action to the repetitive inspection requirements. This proposed AD would also prohibit installing certain longeron assemblies. This proposed AD would also require revising the existing airworthiness limitations section (ALS) of the helicopter maintenance manual to include a new life limit for the tail boom attachment bolts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 31, 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–2026–7220; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI) any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone: (888) 663–3639; email: *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca;* website: *tc.canada.ca/en/aviation.*

• 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: Soban Saeed, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4123; email: *soban.saeed@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–2026–7220; Project Identifier MCAI–2025–01738–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 the 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 Soban Saeed, 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

The FAA issued AD 2022–27–08, Amendment 39–22293 (87 FR 79794, December 28, 2022), (AD 2022–27–08), for certain Bell Model 407 helicopters. AD 2022–27–08 was prompted by Transport Canada AD CF–2022–68, dated December 15, 2022 (Transport Canada AD CF–2022–68), issued by Transport Canada, which is the aviation authority for Canada. Transport Canada AD CF–2022–68 was issued following a Bell Model 407 helicopter accident and the issuance of National Transportation Safety Board (NTSB) Aviation Accident Preliminary Report Number ANC22FA041.

AD 2022–27–08 requires a one-time torque inspection of the tail boom attachment hardware and inspection of the tail boom attachment fittings and longerons for damage, corrosion or cracks, and security of attachment and, depending on the results of the inspection, performing corrective actions, which include repair. AD 2022–27–08 also requires reporting the inspection findings to the manufacturer. The FAA issued AD 2022–27–08 to correct an unsafe condition identified as failure of the tail boom attachment hardware. The unsafe condition, if not addressed, could result in separation of the tail boom from the helicopter and loss of control of the helicopter.

Actions Since AD 2022–27–08 Was Issued

Since the FAA issued AD 2022–27–08, Transport Canada superseded Transport Canada AD CF–2022–68 and issued Transport Canada AD CF–2025–59, dated November 19, 2025 (Transport Canada AD CF–2025–59) (also referred to as the MCAI). The MCAI states two additional reports of broken upper-left tail boom attachment bolts were received. The manufacturer has determined that the failure of the upper-left longeron assembly was caused by either improper manufacturing or improper installation of the upper-left longeron assembly. The MCAI further states that both failures may result in fretting or fatigue damage of the attachment bolts or the aft fuselage longeron fittings, which could lead to their failure and consequent separation of the tail boom from the fuselage and loss of control of the helicopter. Accordingly, Bell determined that additional inspections, corrective actions, prohibitions, and revising the existing ALS of the helicopter maintenance planning information are necessary.

In addition, since the issuance of AD 2022–27–08, the FAA received a comment from NYPD Aviation Unit who provided no comments on the actions nor on the determination of the costs.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–7220.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–59, which specifies procedures for initial and repetitive inspections of the tail boom attachment structure (inspecting for cracks, dents, loose fasteners, security of attachment, deformation, corrosion and general condition, and inspecting for gaps at the upper-left attachment interface) and depending on the results of the inspections, contacting Bell for corrective actions. Transport Canada AD CF–2025–59 also specifies procedures for replacing the tailboom attachment hardware with a new bolt and nut, and performing a torque check (inspection) of the tail boom attachment nuts and depending on the results, replacing parts with new parts and stabilizing the torque. Measuring the gap between the upper-left longeron aft fitting face and the aft fuselage bulkhead and removing the tail boom assembly for a detailed inspection of the aft fuselage upper longerons, aft fuselage lower longerons, aft fuselage bulkhead, tail boom intercostals and the tail boom forward bulkhead (inspecting for cracks, dents, loose fasteners, security of attachment, deformation, corrosion and general condition) and depending on the results of the inspections, contacting Bell for corrective actions is a terminating action to the repetitive inspection requirements. Transport Canada AD CF–2025–59 also specifies procedures for completing the new life limitations contained in the applicable ALS. Transport Canada AD CF–2025–59 also prohibits the installation of an upper-left longeron assembly part number (P/N) 206–031–314–237B or P/N 206–031–314–237S on any helicopter.

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

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 the actions specified in Transport Canada AD CF–2025–59, 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

Transport Canada AD CF–2025–59 requires torque checks, whereas this proposed AD would require torque inspections because those actions must be accomplished by a mechanic that meets the requirements of 14 CFR part 65 subpart D.

Transport Canada AD CF–2025–59 requires contacting Bell Product Support Engineering for a disposition or instructions to rectify any defect, whereas this proposed AD would require accomplishing repairs in accordance with a method approved by the Manager, International Validation Branch, FAA, or Transport Canada, or Bell Textron Canada Limited's Transport Canada Design Approval Organization.

Transport Canada AD CF–2025–59 requires completing the new limitations contained in Table 1 of the applicable ALS, whereas this proposed AD would require revising the existing ALS of the helicopter maintenance planning information by incorporating Table 1 of the applicable ALS.

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 Transport Canada AD CF–2025–59 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–59 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by in Transport Canada AD CF–2025–59 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–7220 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 950 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
Inspect tailboom attachment structure.	2 work-hours × $85 per hour = $170.	$0	$170 per inspection	$161,500 per inspection.
Torque inspection	1 work-hour × $85 per hour = $85 ..	0	$85 per inspection	$80,750.
Remove and inspect tail boom assembly.	10 work-hours × $85 per hour = $850.	0	$850	$807,500.
Revise ALS	1 work-hour × $85 per hour = $85 ..	0	$85	$80,750.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace hardware	2 work-hours × $85 per hour = $170	$170	$340
Replace aft fuselage bulkhead	12 work hours × $85 per hour = $1,020	2,106	3,126
Replace aft fuselage upper longerons	35 work hours × $85 per hour = $2,975	17,862	20,837
Replace aft fuselage lower longerons	24 work hours × $85 per hour = $2,040	8,397	10,437

The FAA has no data to determine the costs to accomplish approved repairs.

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 that the proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2022–27–08, Amendment 39–22293 (87 FR 79794, December 28, 2022); and

■ b. Adding the following new airworthiness directive:

Bell Textron Canada Limited: Docket No. FAA–2026–7220; Project Identifier MCAI–2025–01738–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 31, 2026.

(b) Affected ADs

This AD replaces AD 2022–27–08, Amendment 39–22293 (87 FR 79794, December 28, 2022).

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 407 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5302, Rotorcraft tail boom.

(e) Unsafe Condition

This AD was prompted by reports of broken upper-left tail boom attachment bolts. The FAA is issuing this AD to address the failure of the tail boom attachment hardware. The unsafe condition, if not addressed, could result in separation of the tail boom from the helicopter and loss of 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, Transport Canada AD CF–2025–59, dated November 19, 2025 (Transport Canada AD CF–2025–59).

(h) Exceptions to Transport Canada AD CF–2025–59

(1) Where Transport Canada AD CF–2025–59 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–59 requires compliance in terms of air time, this AD requires using hours time-in-service.

(3) Where Transport Canada AD CF–2025–59 specifies ''torque checks'', this AD requires replacing that text with ''torque inspections''.

(4) Where any paragraph in Transport Canada AD CF–2025–59 specifies to contact Bell Product Support Engineering (PSE) for a disposition, or instructions to rectify any defect, this AD requires accomplishing repairs in accordance with a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bell Textron Canada Limited's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(5) Where the material referenced in Transport Canada AD CF–2025–59 specifies to discard parts, this AD requires removing those parts from service.

(6) Where Part V of Transport Canada AD CF–2025–59 specifies ''complete the new limitations contained in Table 1 of the applicable ALS'', this AD requires replacing that text with ''revise the existing airworthiness limitations section (ALS) of the helicopter by incorporating Table 1 of the applicable ALS''.

(i) Provisions for Alternative Actions and Intervals

After the action required by paragraph (h)(6) of this AD has been done, no alternative actions and associated thresholds and intervals, including any life limits, are allowed.

(j) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–59 specifies to submit certain information to the manufacturer, this AD does not require that action.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact Soban Saeed, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4123; email: *soban.saeed@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–59, dated November 19, 2025.

(ii) [Reserved]

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

(4) You may view this material at 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 July 10, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–14238 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–1377; FRL–13186–01–R5]

Air Plan Approval; Wisconsin; Source-Specific Air Quality Implementation Plan; Oak Creek Power Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the State of Wisconsin's State Implementation Plan (SIP) for the Oak Creek Power Plant located in Oak

Creek, Wisconsin. The EPA is proposing to approve alternative nitrogen oxides (NO_X) emissions limits for the Oak Creek facility. The alternative limits will allow the facility to operate in compliance with State and Federal regulations, and emit less NO_X over time as compared to current limits. 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 August 14, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2025–1377 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.

Organization of this document. This supplementary information section is arranged as follows:

I. Background of Action and Wisconsin's Submittal
II. The EPA's Analysis
A. Section 110(l) Analysis
B. Additional Considerations
III. What action is the EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background of Action and Wisconsin's Submittal

The We Energies Oak Creek Power Plant (''Oak Creek'' or ''facility'') is a natural gas-fired electric generation facility located in Oak Creek, Wisconsin. On April 17, 2024, We Energies submitted a construction permit application to the Wisconsin Department of Natural Resources (WDNR) which included plans and specifications for changes at the Oak Creek facility. The project included the construction and operation of five simple cycle combustion turbine electric generating units and other equipment including the installation of a continuous emission monitoring system (CEMS) on each combustion turbine to monitor for levels of NO_X emissions.

Wisconsin's Submittal

This source-specific SIP revision incorporates alternative emission limits for the new Oak Creek turbines into the facility's source-specific SIP. The simple cycle combustion turbines are currently subject to a NO_X emission limit in the Wisconsin SIP (NR 428.04 Wisconsin Administrative Code) of 12 parts per million dry volume (ppmdv) based on a 30-day rolling average, and a limit under NR 428.22 for NO_X Reasonably Available Control Technology (RACT) of 25 ppmdv. These limits include all modes of operations, including periods of start-up and shut-down. The new turbines will operate as peaking units, with varied daily start-up and shut-down events. We Energies' April 2024 submittal to WDNR included an explanation that the facility cannot achieve current applicable NO_X limits due to operational variability of these units. We Energies explains that the new turbines at the Oak Creek facility are designed to be ''dispatchable,'' meaning that the facility can quickly turn them on or off depending on daily energy demand. The units would be dispatched by the local utility company; the facility would not have complete operational control over the start-up and shut-down events. The facility expects to turn these turbines on and off quickly, and potentially multiple times a day. The new turbines are not designed to operate for long periods of time at a steady state rate, which would be required to achieve compliance with current applicable NO_X limits. We Energies estimates that the typical daily dispatch of these turbines is expected to be from one to six hours, including periods of start-up and shut-down with normal operation, with a combined capacity factor limit of 20 percent.[1]

The State's submittal contains new emissions limits to accommodate the facility's new operating parameters. Without the change in limits, We Energies specifies that the facility would need to operate the peaking units longer than necessary to achieve the existing NO_X limits, thereby emitting more NO_X emissions than under the adjusted limits.[2] With each start-up and shut-down period estimated to take approximately 20 minutes, We Energies submitted calculations showing that the new turbines would need to operate for six to 38 hours in a steady state to offset one start-up/shut-down event to meet the current SIP-approved 12 ppmdv limit on a daily basis.

We Energies requested approval of an alternative site-specific emission limitation of 9 ppmdv on a 30-day rolling average during normal operation, with NO_X emissions not to exceed 57.1 pounds per start-up event and 31.7 pounds per shut-down event to accommodate the new operating scenarios. These limits were calculated from emission data based on manufacturer specifications.[3] To support its request, We Energies calculated potential emissions under these proposed limits and the currently applicable NO_X limits. The resulting calculations estimate that the facility would potentially emit 469.2 tons of NO_X per year under the currently applicable limit of 12 ppmdv within NR 428.04(2)(g)1.a. In comparison, We Energies calculated that total potential emissions from normal operations and start-up/shut-down events will decrease to 463.4 tons per year under the requested alternative NO_X limits.

The construction permit limits combined start-up/shut-down events to 2,500 per year and also limits a start-up event to 21 minutes and a shut-down event to 13 minutes. It also contains requirements for the facility to report periods of excess emissions to the State

[1] A unit's *capacity factor* refers to the fraction of the unit's total available capacity that is utilized over a period of time, usually expressed as a fraction. In this case, the new Oak Creek turbines operating at a 20 percent capacity factor produces a fifth of the energy that it could have produced operating at full capacity over all hours.

[2] Compliance with the applicable limit under NR 428.04 is based on hourly average emissions which are then averaged per day to create a 30-day rolling average. WDNR Submittal at 40.

[3] *See* WDNR Submittal at 46–47 (We Energies response to a comment on emissions calculations).

on a timely basis.[4] Should a start-up or shut-down period exceed the permitted amount of time specified for that event, the permit requires the facility to count the additional time spent in start-up or shut-down status as an additional event.[5] The facility is also required to keep and maintain records of CEMS operation as it monitors each combustion turbine while it is operating and during periods of start-up and shut-down.[6]

WDNR determined that the facility's technical analysis meets the State's requirements for alternative NO_X emissions limits and NO_X RACT limits, and approved and issued the alternative limits in construction permit 24–JAM–065 on June 17, 2025 in accordance with its EPA-approved construction permit program.[7] WDNR has submitted the alternative limits to the EPA as a revision to the Oak Creek site-specific SIP.

II. The EPA's Analysis

Based on a review of the State's emissions calculations, and for the reasons described in greater detail in this section, the EPA finds that WDNR and We Energies have demonstrated that the alternative NO_X emissions limits will not result in an increase of annual NO_X emissions when compared to potential emissions under the current applicable NO_X limits.

A. Section 110(l) Analysis

CAA section 110(l) states that the EPA shall not approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) towards attainment of the NAAQS, or any other applicable requirement of the CAA. The EPA will evaluate a facility's request for a site-specific alternative emission limit on a case-by-case basis in accordance with applicable requirements contained within the CAA. To understand whether a SIP revision would interfere with attainment or maintenance of the NAAQS, the EPA assesses whether the SIP revision will potentially allow for an increase in emissions as compared to what is allowed under the existing SIP condition(s). The EPA's evaluation is conducted on a case-by-case basis, considering the nature of the SIP revision, the applicable SIP requirements, and the air quality status of the affected area.

The EPA has also evaluated this revision in light of the Agency's guidance on establishing alternative emission limits for periods of start-up and shut-down, also known as the ''2015 SSM Policy.'' [8] The guidance contains seven recommended approvability criteria that encourage a State to consider the technical limitations of the specific source category subject to the alternative limitation, as well as the control technology that is feasible during start-up and shut-down events. The EPA's analysis of the proposed alternative emission limit for the Oak Creek facility can be found in the Technical Support Document for this action.[9]

WDNR submitted an analysis of non-interference for the Oak Creek facility to demonstrate that the proposed alternative limits will result in a decrease in total potential NO_X emissions and, therefore, would not contribute to exceedances or violations of the NAAQS. The State concurred with the analysis provided by We Energies to support its request for the alternative NO_X limits. The EPA's evaluation of WDNR's analysis relies on a comparison of maximum allowable NO_X emissions under the existing SIP-approved NO_X limits (which establish the baseline for attainment of the NAAQS and other applicable CAA requirements) with the maximum allowable NO_X emissions under the proposed alternative NO_X limits. As discussed in section I of this preamble, the State estimates that the facility's potential to emit under the previously approved SIP limit of 12 ppmdv NO_X is 469.2 tons of NO_X per year based on a 30-day rolling average for all five turbines combined. To compare potential emissions under its requested alternative NO_X limits, We Energies estimates that under the alternative limit of 9 ppmdv NO_X for steady state operation, with a startup limit of 57.1 pounds per startup event and 31.7 pounds per shutdown event, potential emissions will decrease to 463.4 tons per year.

As the Oak Creek Facility is located in an area currently designated as nonattainment for the 2015 ozone NAAQS, the EPA has also considered the effect these alternative limits would have on air quality in the surrounding area. The EPA has reviewed the modeling analysis submitted by the facility and approved by the State. This demonstration relies on a dispersion modeling analysis of potential nitrogen dioxide (NO_2) emissions from the new turbines using the EPA's regulatory air dispersion model, the AMS/EPA Regulatory Model Improvement Committee Model (also known as AERMOD).[10] The facility modeled the impacts of potential NO_2 emissions from the facility, assuming a background NO_2 concentration that is the highest measured from any monitor in the State. This ''worst-case'' modeling analysis showed potential NO_2 emissions reaching 85 percent of the 1-hour NO_2 standard, and 48 percent of the annual NO_2 standard, which demonstrates that the operation of these turbines under these alternative limits is not expected to result in violations, or exceedances, of the NAAQS.[11]

Federal RACT Requirements

The EPA also evaluated the proposed alternative limits per the applicable State NO_X RACT rules found in NR 428.22. This federally approved limit is the lowest a source in the State of Wisconsin like Oak Creek could meet by use of reasonably available control technology (considering technological and economic feasibility). WDNR approved We Energies' demonstration that the proposed alternative NO_X emissions limits constitute RACT for the Oak Creek facility as required under NR 428.25(3)(a).

Similar to the calculations made under the current 12 ppmdv NO_X limit, We Energies also calculated that Oak Creek would need to operate for two to eight hours to offset one start-up/shut-down event to meet the 25 ppmdv NO_X RACT limit on a daily basis.[12] As explained in the EPA's analysis of WDNR's 110(l) demonstration, if operating under the alternative, separate start-up and shut-down limits and a limited capacity for normal operation, the facility would potentially emit less than it would under the applicable Federal NO_X RACT limit.

The EPA also compared the proposed alternative NO_X limits to State RACT rules and Alternative Control Techniques in other States to ensure the stringency of the proposed alternative NO_X limits.[13] The EPA found that the

[4] Oak Creek Construction Permit 24–JAM–065 Term I.EA.2.a.(4)(b)–(c).

[5] Oak Creek Construction Permit 24–JAM–065 Term I.EA.2.a.(4)(d).

[6] Oak Creek Construction Permit 24–JAM–065 Term I.EA.2.c.

[7] *See* Wisconsin State rules NR 428.055 and NR 428.25(3)(a).

[8] *See* page 33980 of 80 FR 33840.

[9] The Technical Support Document for this action is found in the corresponding rulemaking docket. Docket ID: EPA–R05–OAR–2025–1377.

[10] AERMOD accounts for facility-specific characteristics such as emission releases and building downwash influences, as well as localized terrain and meteorological conditions.

[11] The EPA considers the ''worst-case'' scenario to be the maximum allowable rate of emissions.

[12] *See* WDNR Submittal at 38–42.

[13] The EPA's analysis is contained within the Technical Support Document for this action, which is found in the corresponding rulemaking docket. Docket ID: EPA–R05–OAR–2025–1377.

proposed alternative limits are consistent with similar CTG-categorical rules adopted by other States. Moreover, the EPA finds that the proposed alternative limits are more stringent than the current RACT rules in the SIP, as the facility will emit less NO_X under the alternative limits.

The EPA finds that the alternative emission limits on the new Oak Creek turbines will not interfere with attainment or reasonable further progress of the NAAQS. Compliance with the alternative limits will not require Oak Creek to unnecessarily operate the new turbines for a longer period as the existing NO_X emission limits would. If the facility operates under the alternative limits, the facility will emit less than it would under the currently applicable requirements. In other words, the alternative limits for these new turbines better accommodate the operating scenarios that these peaking units were designed to operate under. Since the proposed limits will not increase allowable emissions when compared to existing SIP limits, the EPA finds that the State has demonstrated that the alternative limits will not interfere with the NAAQS pursuant to section 110(l) of the CAA.

B. Additional Considerations

In reaching the proposed approval of these alternate limits, the EPA also considered the facility's operating procedures and requirements. The construction permit requires the Oak Creek facility to operate a NO_X CEMS per turbine, which will analyze and track NO_X emissions on a continuous basis (including during periods of start-up and shut-down).[14] The facility will use this real-time data to monitor the performance of the turbines and ensure compliance with applicable permit requirements. The construction permit also requires the facility to keep and maintain records of CEMS operation during periods of start-up and shut-down (as also required by State and Federal regulations, *see* NR 439.04(1)(d) and 40 CFR 52.21(r)(6)(iii)), and to count additional time spent in start-up or shut-down status as an additional event, which are limited to 2,500 per year. The EPA finds that these provisions in the permit are crucial emissions control mechanisms and require the State and We Energies to ensure that the Oak Creek facility will not contribute to violations of the site-specific NO_X emissions limits or exceedances of the NAAQS.

[14] Oak Creek Construction Permit 24–JAM–065 Term I.EA.2.b.(1)(a).

III. What action is the EPA taking?

The EPA is proposing to approve this site-specific SIP revision for the Oak Creek facility. Based upon the submitted material for this site-specific revision, the EPA finds that WDNR has demonstrated that Oak Creek will emit less NO_X under the alternative NO_X limits. The EPA also finds that WDNR's submittal, which includes potential emissions calculations and a modeling analysis, demonstrates that implementation of the alternative limits will not interfere with attainment or maintenance of the NAAQS.

IV. Incorporation by Reference

In this rulemaking, the EPA is proposing to amend regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference components of Oak Creek construction permit 24–JAM–065 Conditions I.EA.2.a.(1)–(5), I.EA.2.b.(1)–(10), and I.EA.2.c.(1)–(9) of construction permit 24–JAM–065, issued by the State of Wisconsin and effective June 17, 2025, as discussed in section II of this preamble. The EPA has made, and will continue to make, these documents 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).

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, 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, Incorporation by reference, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 8, 2026.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2026–14282 Filed 7–14–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–4819; FRL–13460–01–R7]

Air Plan Approval; Missouri; Control of NO_X Emissions From Large Stationary Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State

Implementation Plan (SIP) related to Control of Nitrogen Oxide (NO_X) Emissions From Large Stationary Internal Combustion Engines. The revisions reformat and revise reporting, recordkeeping, and compliance requirements; incorporate other state rules by reference; add definitions specific to the rule; revise unnecessarily restrictive or duplicative language; and make administrative wording changes. The revisions also add an exemption for certain spark-ignited internal combustion engines. The EPA's proposed approval is pursuant to, and consistent with, the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before August 14, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2026–4819 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: *stone.william@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Written Comments
II. What is being addressed in this document?
III. Have the requirements for approval of a sip revision been met?
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2026–4819, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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.*

II. What is being addressed in this document?

The EPA is proposing to approve Missouri's SIP revisions submitted on March 7, 2019, and June 10, 2021, which update Title 10 Code of State Regulations (CSR) 10–6.390 ''Control of NO_X Emissions From Large Stationary Internal Combustion Engines.'' The purpose of these regulations is to control NO_X emissions from large stationary internal combustion (IC) engines and ensure compliance with the federal NO_X control plan to reduce the interstate transport of air pollutants.

The primary revision to this regulation was to add an exemption to 10 CSR 10–6.390 for existing spark ignition (SI) stationary engines that emit twenty-five (25) tons or less of NO_X during the ozone season (May 1 through September 30). Stationary SI engines that meet the criteria for the exemption will no longer have to meet the general provisions of this rule, including emission limits, or the testing requirements of section (5)(A). The new exemption is similar to the exemption currently in the rule for compression ignition (CI) IC engines and was approved into the Missouri SIP in 2015 (80 FR 55545). The EPA has reviewed the State's analysis and finds that the 25-ton NO_X exemption in 10 CSR 10–6.390 will not adversely impact air quality, nor will it affect the State's ability to meet its NO_X SIP Call budget obligations.

The 25-ton NO_X exemption in 10 CSR 10–6.390 applies to both new and existing SI engines. New stationary SI engines that qualify for the exemption will be subject to the more stringent NO_X emission limits in the New Source Performance Standards in 40 CFR part 60, subpart JJJJ. The Kennett Generating Station (Kennett) in Kennett, MO is the only facility with existing SI engines that qualify for the 25-ton exemption. NO_X emissions at Kennett have consistently been less than six tons per ozone season per year. The small amount of NO_X emissions from the Kennett SI engines has a minimal impact on the 2015 ozone NAAQS within Missouri and neighboring states. The St. Louis, MO–IL nonattainment is the nearest nonattainment area and is more than 100 miles from Kennett. Because ozone design values in the St. Louis area are driven by typical urban emissions, a small emissions increase at a source of that distance will not interfere with attainment or maintenance of the ozone NAAQS. In addition, total NO_X emissions from all sources subject to the NO_X SIP Call continue to remain below Missouri's NO_X SIP call budget and have been trending downward for the last 5 years. Any increase in emissions related to this exemption at Kennett is unlikely to negatively impact this trend.

In addition to the new exemption for stationary SI engines, definitions specific to the rule were added that match the definitions of the same terms in 10 CSR 10–6.020, which is approved into the Missouri SIP, or match the same terms found in 40 CFR 60.4219. The reporting, recordkeeping, and test method requirements have also been reformatted and can be found in sections (4)(A) and (5) of the rule. The revisions also correct incorrect references to other state and federal rule citations caused by prior revisions.

For the above reasons, and as discussed in more detail in the technical support document (TSD) included in the docket for this action, the EPA concludes that, in accordance with CAA section 110(l), the 25-ton NO_X exemption in 10 CSR 10–6.390 and the other revisions will not interfere with any applicable requirement concerning attainment, reasonable further progress (RFP), or any other applicable requirement of the CAA. The full text of the rule revisions can be found in the state submittals included in this docket.

III. Have the requirements for approval of a sip revision been met?

The State submissions have met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submissions also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on these SIP revisions from August 4, 2018, to October 4, 2018, and from November 1, 2019, to December 10, 2019, and held public hearings on September 27, 2018, and December 3, 2019. The State received five comments during the first public comment period and none in the second comment period. Missouri's official submission adequately addressed the

comments. In addition, as explained above and in more detail in the TSD which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The EPA concludes that in accordance with CAA section 110(l), the revisions to 10 CSR 10–6.390 will not interfere with any applicable requirement concerning attainment, RFP, or any other applicable requirement of the CAA.

IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–6.390 ''Control of NO_X Emissions From Large Stationary Internal Combustion Engines.'' We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of Missouri rule 10 CSR 10–6.390 discussed in section II. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The rule provides for control of NO_X emissions from large stationary internal combustion engines and includes reporting, recordkeeping, and compliance requirements. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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 rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen Oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 6, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.390'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA—Approved Missouri Regulations

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.390	Control of NO_X Emissions From Large Stationary Internal Combustion Engines.	5/30/2020	[Date of publication of the final rule in the **Federal Register**], 91 FR [**Federal Register** page where the document begins of the final rule].	.....
*	*	*	*	*

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[FR Doc. 2026–14260 Filed 7–14–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0242; FRL–12787–01–R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Castleton Power, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to applicable requirements under the Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve 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 Castleton Energy Center, located at 1902 River Road, Castle-on-Hudson, New York 12033 (herein referred to CEC, or the Facility). The EPA is proposing to find that the control option in this SSSIP revision is Reasonably Available Control Technology (RACT) with respect to oxides of nitrogen (NO_X) emissions from the relevant Facility emission source, *i.e.,* a combined-cycle combustion turbine generator with an associated heat recovery steam generator equipped with a duct burner, and a steam generator, identified as emission unit 1–0GTDB in the Facility's CAA Title V operating permit. This SSSIP revision is intended to implement NO_X RACT for the relevant Facility source in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Act.

DATES: Comments must be received on or before August 14, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R02–OAR–2025–0242, at *https://www.regulations.gov* (our preferred method), or the other methods identified in this section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to 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. 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: Ysabel Banon, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, telephone number: (212) 637–3382, email address: *banon.ysabel@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information on the regulatory background and EPA's technical findings relating to the Facility RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

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I. Background

Ground Level Ozone Formation

Ground level ozone is not released directly from an emission source, instead ozone forms in the atmosphere as a secondary air pollutant created by chemical reactions that occur when ozone precursors, including NO_X and volatile organic compounds (VOCs), chemically react in the presence of sunlight. Emissions from industrial facilities are anthropogenic (human-made) sources of ozone precursors. The potential for ground-level ozone formation tends to be highest during months with warmer temperatures and stagnant air masses. Ozone levels are thus generally higher during the summer months, which is often referred to as ''the ozone season.'' In New York, the ozone season is generally considered to be between April 15 and October 15, while the non-ozone season is generally considered to be between October 16 and April 14.

Ozone Nonattainment

A geographic area of the United States that is not meeting the primary or secondary National Ambient Air Quality Standard (NAAQS) for ozone is described as a nonattainment area. Nonattainment areas are classified as Marginal, Moderate, Serious, Severe, or Extreme.[1] With respect to this proposed action, there are two relevant ozone NAAQS: the 2008 and the 2015 ozone NAAQS. First, on March 12, 2008, EPA promulgated a revision to the ozone NAAQS, setting both the primary and secondary standards 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, on October 1, 2015, EPA lowered these standards to 0.070 ppm averaged over an 8-hour time frame (2015 8-hour Ozone Standard) (80 FR 65292, October 26, 2015). Under CAA section 184, the State of New York is located within the Ozone Transport Region (OTR), which essentially means that it is subject to statewide RACT requirements. The Facility is located in the OTR (outside an area of nonattainment) and has the potential to emit at least 50 tons per year of NO_X, making it subject to RACT requirements.

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.[2] CAA sections 184(b)(1)(B) and 184(b)(2) set forth the requirement to establish control measures to implement RACT for sources of VOC located in the OTR. For major sources of NO_X, CAA section 182(f)(1) also applies.[3]

NYSDEC RACT Requirements

The New York State Department of Environmental Conservation (NYSDEC) RACT requirements applicable to a

[1] Primary standards provide public health protection, including protecting the health of ''sensitive'' populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

[2] See, EPA, ''Guidance for determining acceptability of SIP regulations in non-attainment areas,'' memo 1976, Roger Strelow, document available in the docket.

[3] See CAA 182 (f)(1), ''The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 7602 of this title and subsections (c), (d), and (e) of this section) of oxides of nitrogen''.

particular emission source may fall into one of two categories: presumptive RACT limits [4] or case-by-case RACT determinations, the latter of which applies in this matter. NYSDEC's case-by-case RACT regulations establish RACT requirements for combustion turbines. See Title 6 of New York's Code and Regulations (NYCRR) subpart 227–2, which EPA last approved into the New York SIP on July 12, 2013.[5] Specifically, 6 NYCRR 227–2.4(e)(3) requires the owner or operator of a combustion turbine operating after July 1, 2014, to submit a proposed plan for RACT to be implemented that includes descriptions of: (1) available NO_X control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and (2) technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

A State's case-by-case RACT determination under 6 NYCRR 227–2.4(e)(3) establishes a source-specific NO_X control requirement based on the technical and economic feasibility of controls for the emissions unit. The State then submits that determination to EPA as a SSSIP revision for approval. The SSSIP submission should include the facility's RACT plan that demonstrates how the facility will implement RACT. The SSSIP should also include the applicable CAA Title V operating permit conditions that address RACT requirements. In developing the case-by-case RACT determination the State evaluates the technological and economic circumstances of the individual source. The EPA then evaluates whether the State's SSSIP determination satisfies applicable CAA RACT requirements and is adequately supported by the administrative record. Upon the EPA's approval, the case-by-case RACT control requirements for the facility become part of the federally enforceable SIP.

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 the NYSDEC RACT requirements is established under the NYSDEC 2013 policy, ''DAR–20 Economic and Technical Analysis for Reasonably Available Control Technology (RACT).'' Under this policy, facilities must evaluate, in their RACT determinations, control technologies capable of reducing VOC or NO_X emissions up to a specified cost-effectiveness threshold, expressed in dollars per ton of VOC or NO_X removed, and adjusted for inflation.[6] Under the DAR–20, NYSDEC established the following cost-effectiveness threshold, based on 1994 dollars, to define economic feasibility:

- NO_X (statewide)—$3,000/ton reduced (1994 dollars).

When adjusted for inflation, this threshold equates to $6,080 per ton of NO_X reduced in June 2022 dollars, the relevant time period in this matter because it corresponds to the submission of the Castleton Energy Center (CEC) RACT Plan.

II. The EPA's Evaluation of New York's Submission

This proposed rule concerns the Facility's emission unit 1–0GTDB, a combined-cycle Combustion Turbine Generator (CTG) with an associated Heat Recovery Steam Generator (HRSG) equipped with a duct burner, and a steam generator, identified as in the Facility's CAA Title V operating permit. The combined-cycle turbine generator is equipped with a steam injection system to control NO_X emissions. The duct burner fires natural gas only. Although combined-cycle combustion turbines produce NO_X emissions while generating electricity, they are more efficient than simple-cycle turbines because they utilize both fuel and steam to power turbines. Specifically, they generate electricity by igniting natural gas or No. 2 distillate fuel oil with compressed air and using the resulting hot, expanding, gases to spin turbine blades that drive a generator to convert the spinning turbine energy into electricity. In addition, rather than allowing for exhaust gases that would otherwise have been released into the atmosphere, the gas is directed to the HRSG to produce additional electricity. Exhaust gas exiting the HRSG is discharged to the atmosphere through a 144-inch inside diameter stack approximately 145 feet above ground.

Pursuant to 6 NYCRR part 227–2.4(e)(3), the Facility submitted a RACT plan concluding that steam injection control is the only technologically, and economically feasible NO_X control technology for the Facility. The RACT plan identified the following conditions in the Facility's Title V operating permit as satisfying the NO_X RACT requirements of 6 NYCRR Part 227–2.4(e) and the associated monitoring, reporting and recordkeeping requirements of 6 NYCRR Part 227–2.6 (see Castleton Appendix B):

- *Condition 30.* Emission unit 1–0GTDB, process oil. The NO_X emission limit, when firing fuel oil, must be demonstrated using Teledyne T802 Continues Emission Monitoring System (CEMS). The applicable limit 42 part per million by volume (ppmvd) (dry, corrected to 15 percent O_2). The Facility must monitor at a minimum frequency of once every six months.[7]
- *Condition 31.* Emission unit 1–0GTDB, process natural gas. The NO_X emission limit, when firing natural gas, must be demonstrated using the difference between CEMS data collected when the duct burners are firing in combination with the combustion turbine and CEMS data collected when the combustion turbine is firing alone. The applicable emissions limit is 15.5 pounds per hour. The Facility must monitor at a minimum frequency of once every six months.
- *Condition 32.* Emission unit 1–0GTDB, process natural gas. The NO_X emission limit, when firing gas, must be demonstrated using the difference between CEMS data collected when the duct burners are firing in combination with the combustion turbine and CEMS data collected when the combustion turbine is firing alone. The applicable emission limit is 0.10 lb./MMBtu. The Facility must monitor at a minimum frequency of once every six months.
- *Condition 35:* Emission unit 1–0GTDB, process natural gas. The NO_X emission limit when firing natural gas is 25 ppmvd (dry, corrected to 15 percent O_2). The Facility must monitor at a minimum frequency of once every six months.
- *Condition 49:* Emission unit 1–0GTDB. The Facility must limit the combined NO_X emissions from the combustion turbine, and duct burner to 157.49 tons per year.

Each of these permit conditions requires CEC to utilize CEMs, and to

[4] Presumptive RACT are category-wide requirements. These limits may be complied with by direct application of emission limits on the emission source, the use of flexibility mechanisms such as switching fuels or participation in a system averaging plan, or a commitment to shut down the emission source (6 NYCRR 227–2.4).

[5] The EPA-approved version of 6 NYCRR 227–2 became effective July 8, 2010, and was approved by EPA in 2013 (78 FR 41846 at 78 FR 41850, July 12, 2013).

[6] The DAR–20 cost-effectiveness threshold is expressed in 1994 dollars. The 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.html.*

[7] This emission limit is equivalent to the NO_X standard in 40 CFR 60 Subpart KKKK, Table 1, applicable to a modified or reconstructed turbine firing natural gas with a heat input at peak load greater than 50 MMBtu/hr and equal to or less than 850 MMBtu/hr. Under that standard, NO_X emissions are limited to 42 ppmvd at 15 percent O_2. *See* https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-KKKK.

report monitoring results semi-annually. Condition 49 requires the CEMs data to be compiled monthly and reported semi-annually. Additionally, Conditions 30, 31, 32 and 35 provide for reference test method RM 7; Condition 49 provides for reference test method RM 20.

On April 10, 2025, NYSDEC provided relative accuracy test audit (RATA) reports for Emissions Unit 1–0GTDB. The RATA reports demonstrated compliance with the emissions limits required in the Title V permit.

On April 22, 2024, NYSDEC submitted the SSSIP revision package that is the subject of this proposed action. See Source-Specific State Implementation Plan Revision (SSSR) for Castleton Energy in Schodack, New York (herein referred to as State RACT Plan). The EPA has reviewed the RACT Plan for emission unit 1–0GTDB for consistency with the CAA and EPA's regulations, as interpreted through EPA's actions and guidance.

EPA RACT Analysis

The EPA's evaluation of the RACT Plan is described below. For further detail, refer to the TSD available in the docket for this rulemaking.

To determine what NO_X control technologies could be economically and technologically feasible for the 1–0GTDB combined-cycle CTG/HRSG, duct burner, and STG, the EPA reviewed the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse (RBLC).[8] The EPA's RBLC search criteria were based on large combined-cycle combustion turbines permitted in the ten years prior to the RACT plan. The EPA's RBLC review did not identify any facilities in the United States with operating configurations sufficiently similar to CEC to provide a basis for meaningful comparison.

The EPA also reviewed vendor quotes for (1) Dry Low NO_X (DLN) from Power System Mfg. capable of reducing NO_X emissions to 5 ppmvd; (2) Selective Catalytic Reduction (SCR) from Hammon-Deltak capable of reducing NO_X emissions to 3 ppmvd; and (3) SCR by Peerless MFG. Co. that would reduce NO_X emissions to 2.5 ppmvd, which are three potential control options that are not currently implemented but that are technically feasible.[9] The EPA's cost-effectiveness calculation, shown in the TSD at Table A, demonstrates that the SCR system from Hamon-Deltak is the lowest NO_X control system among the vendors reviewed and this control method would result in a cost-effectiveness value of approximately $21,315 per ton of NO_X reduced, substantially exceeding NYSDEC's inflation-adjusted DAR–20 threshold of $6,080 per ton of NO_X reduced in June 2022 dollars.[10]

Based on the RBLC review and cost-effectiveness analysis, the EPA concludes that no additional NO_X control technologies have been identified for emission unit 1–0GTDB that are both technically feasible and cost-effective that are in addition to the steam injection NO_X control system currently in operation.

The EPA reviewed CEC's recent yearly emissions from 2020 through 2023. Table 1 shows the recent Facility's annual NO_X emissions well under the case-by-case overall RACT emission limit of 157.49 tons per year.[11]

TABLE 1—HISTORIC CEC NO_X EMISSIONS

Year	Annual emissions (tons per year)
2020	32.55
2021	54.66
2022	60.77
2023	32.55
Average	45.13

Source: EPA Emission Inventory System.

Historic actual emissions provide context, however they are not determinative of RACT emission limits. The EPA has reviewed the State's case-by-case RACT determination submitted as a SSSIP under 6 NYCRR 227–2.4(e)(3), including the evaluation of available NO_X control technologies and the EPA conducted its own cost-effective evaluation in making its determination, see the TSD for further information attached in the docket.

III. EPA's Proposed Action

The EPA is proposing to approve New York's SSSIP revision to implement RACT for emission unit1–0GTDB, located at Castleton Energy Center in Castleton-on-Hudson, New York, based on the RACT analysis provided by NYSDEC in its April 22, 2024, SIP submission, the EPA's review RBLC for similar sources, and the EPA's cost-effectiveness analysis. The TSD provides additional detail on EPA's analysis of technical and economic feasibility.

Specifically, EPA proposes to determine that the following requirements implement RACT for emission unit 1–0GTDB: (1) continued operation of the existing combined cycle combustion turbine steam NO_X emission controls; (2) compliance with the NO_X emission limits contained in conditions 30, 31, 32, 35 and 49, of the Facility's CAA Title V permit; (3) demonstration of compliance with emission limits through the use of CEMS, as required in condition 30, 31, 32, 35 and 49, and (4) continuous monitoring of applicable emissions limits, and rolling monthly tracking of the overall NO_X emission limit of 157.49 tons per year, and (5) semi-annual reporting of compliance. Based on the State's SSSIP submission and supporting analysis as required under 6 NYCRR 227–2.4(e)(3), the EPA is proposing to approve a source-specific NO_X limit as a case-by-case RACT for emission unit 1–0GTDB, reflecting the lowest emission level achievable when accounting for technological and economic feasibility, including the cost-effectiveness of additional controls under the unit's historic operating profile, consistent with the CAA. The respective NO_X RACT emission limit is contained in the Facility's CAA Title V permit, State Facility Permit, 4–3844–00008/00006, specifically under Conditions 30, 31,32, 35, and 49,[12] issued by the State on March 21, 2023, and expires on March 20, 2028. The EPA is proposing to approve the incorporation of the permit conditions 30, 31,32, 35, and 49 into New York's SIP. These conditions outline NO_X emission limits and related monitoring, reporting, and recordkeeping requirements for the proposed combined-cycle CTG and are further described in Section II of this preamble.

IV. Incorporation by Reference

In this document, EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by

[8] 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.*

[9] *See* email from NYSDEC permit writer that explains the scope of control technologies under consideration.

[10] The June 2022 date is used in the inflation calculation because it correlates with the date of the CEC RACT Plan's cost analysis.

[11] The Facility's Title V permit, condition 49, states that the annual NO_X 157.49 ton/yr from the combustion turbine and duct burner will satisfy RACT control requirements. See also the TSD, section II.d., Results.

[12] The Facility's CAA Title V permit condition 49, Item 49.2, page 36, erroneously cites 6 NYCRR 277. The correct reference is NYCRR part is 227–2 ''Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NO_X)''.

reference revisions to CEC's CAA Title V operating permit Conditions # 30, 31, 32, 35 and 49 as described in sections II and III of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov.*

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 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 subject to 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 (Public Law 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 this action does not involve technical standards.

In addition, the SIP is not proposing 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 it 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. 2026–14261 Filed 7–14–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 134
Wednesday, July 15, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 14, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: National Poultry Improvement Plan (NPIP).

OMB Control Number: 0579–0007.

Summary of Collection: The National Poultry Improvement Plan (NPIP) is a voluntary Federal-State-industry program for controlling certain poultry diseases and for improving poultry breeding flocks and products through disease control techniques. It is authorized by the USDA Organic Act of 1944, as amended (7 U.S.C. 429) and the cooperative work is carried out through memoranda of understanding with the participating States. Specific NPIP provisions are contained in Title 9, Parts 56, 145, 146, and 147 of the *Code of Federal Regulations.* The Veterinary Services (VS) unit of USDA's Animal and Plant Health Inspection Service (APHIS) administers these regulations.

Need and Use of the Information: APHIS will collect information using several information collection activities to continually improve the health of the U.S. poultry population and the quality of U.S. poultry products. If the information was collected less frequently or not collected, APHIS could not effectively monitor the health of the nation's poultry population.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government; Individuals or households.

Number of Respondents: 4,555.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 110,738.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–14229 Filed 7–14–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2026–0133]

Notice of Request To Renew an Approved Information Collection: Salmonella Initiative Program

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to request renewal of the approved information collection regarding the *Salmonella* Initiative Program (SIP). There are no changes to the information collection. The current approval will expire on January 31, 2027.

DATES: Submit comments on or before September 14, 2026.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the online instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2026–0133. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 286–2255 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

SUPPLEMENTARY INFORMATION:

Title: Salmonella Initiative Program.

OMB Number: 0583–0154.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled.

FSIS is requesting renewal of the approved information collection regarding SIP. FSIS is making no changes to the current collection. The approval for this information collection will expire on January 31, 2027.

Through SIP, FSIS offers incentives to meat and poultry slaughter establishments to control *Salmonella* in their operations. Under SIP, FSIS does this by granting waivers of certain regulatory requirements under the condition that establishments test for *Salmonella, Campylobacter* (if applicable), and an Aerobic Count for other indicator organisms and share all sample results with FSIS. In return for meeting the conditions of SIP, the Agency grants establishments appropriate waivers of certain regulatory requirements, based upon establishment proposals and documentation, under FSIS regulations at 9 CFR 303.1(h) and 381.3(b). These regulations specifically provide for the Administrator to waive for limited periods any provisions of the regulations to permit experimentation so that new procedures, equipment, or processing techniques may be tested to facilitate definite improvements. Establishments participating in SIP agree to the conditions of SIP regarding pathogen testing and sharing of test result data with FSIS.

FSIS has made the following estimates based upon an information collection assessment:

Respondents: Official slaughter establishments under a waiver.

Estimated Number of Respondents: 79.

Estimated Number of Annual Responses per Respondent: 325.

Estimated Total Annual Burden on Respondents: 17,628 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, OMB, Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service that provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* The available information ranges from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

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Justin Ransom,

Administrator.

[FR Doc. 2026–14216 Filed 7–14–26; 8:45 am]

BILLING CODE 3410–DM–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2026–0015–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board received an additional 451 pages of records from the National Archives and Records Administration (NARA) related to two

civil rights cold case incidents to which the Review Board assigned the unique identifiers 2023–001–003 and 2023–001–004. NARA proposed 372 postponements including postponements of sealed federal grand jury information in the records. On July 10, 2026, the Review Board met and approved 364 postponements and determined that 87 pages in full and 1 page in part should be publicly disclosed in the Civil Rights Cold Case Records Collection. The Review Board has requested that the Attorney General petition the relevant court to unseal the federal grand jury information in the records. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Review board decision
2023–001–003	2026–NARA–01–0009 through 2026–NARA–01–0016	Reject.
2023–001–003	2026–NARA–01–0017 through 2026–NARA–01–0380	Approve.
2023–001–004	2026–NARA–01–0001 through 2026–NARA–01–0008	Reject.

Authority: Pub. L. 115–426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: July 13, 2026.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2026–14246 Filed 7–14–26; 8:45 am]

BILLING CODE 6820–SY–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, July 17, 2026, 10:00 a.m. EST.

ADDRESSES: Meeting to take place in person and is open to the public.

U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425

It will also be livestreamed on the Commission's YouTube page: *https://www.youtube.com/user/USCCR/videos.*

FOR FURTHER INFORMATION CONTACT: Joe Kim: 202–499–0263; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Government in Sunshine Act (5 U.S.C. 552b), the Commission on Civil Rights is holding a meeting to discuss the Commission's business for the month of July. This business meeting is open to the public. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, July 17, 2026, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Approval of Agenda
II. Business Meeting
  A. Discussion and Vote on the FY 2026 Statutory Enforcement Report: *The Federal Response to the Rise in Antisemitism on American College and University Campuses*
  B. Discussion and Vote on FY 2027 Report Topics
  C. Management and Operations
  • Staff Director's Report
III. Adjourn Meeting

Dated: July 13, 2026.

Hyung Kim,

USCCR Public Affairs Specialist.

[FR Doc. 2026–14226 Filed 7–13–26; 11:15 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Maryland Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Maryland Advisory Committee (Committee) to the Commission will hold public meetings via Zoom. The purpose is for the committee to begin hearing expert testimony and continue briefing planning on the committee's chosen topic of artificial intelligence and its application in voting administration.

DATES:

Thursday, September 10, 2026; 12:00 p.m.–2:00 p.m.: Briefing Panel 1

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_LG6U7AYjQrG_ADvHOEoEBw.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 843 7680 #.

Wednesday, September 23, 2026; 11:00 a.m.–12:30 p.m.: Debrief & Business Meeting

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_yjEk3BhyTHWkJzKsEClxeA.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 526 3632 #.

Wednesday, October 21, 2026; 11:00 a.m.–12:30 p.m.: Business Meeting

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_DKvEpdsXSeio5ZWOQIYLfQ.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 120 0452 #.

Agendas: https://usccr.box.com/s/apmfnfyjmh2i44huqf8354o23sbh88hn (note: final meeting agendas will be available prior to the meeting dates).

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at *bpeery@usccr.gov* or 1–202–701–1376.

SUPPLEMENTARY INFORMATION: Virtual committee meetings are available to the public through the registration links above. Any interested member of the public may join at the links to listen to meetings. Open comment periods for each date will be provided to allow members of the public to make statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meetings will include a list of persons who are present at the meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their

wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809–9618.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after meetings. Records of meetings will be available via the file sharing website: *https://tinyurl.com/mnshz8n9* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Dated: July 13, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–14243 Filed 7–14–26; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–T–2026–0430; RTID 0651–XA006]

Electronic Filing Systems for Filings Pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: Applicants will be able to file international applications originating in the United States under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and responses to notices of irregularity through the Madrid e-Filing system (Madrid e-Filing) operated by the World Intellectual Property Organization (WIPO) and designated by the Director of the United States Patent and Trademark Office (Director) as a trademark electronic filing system for this purpose. This new system will permit the United States Patent and Trademark Office (USPTO) to informally communicate with applicants and offer opportunities to correct deficiencies in international applications during the USPTO's certification review and submit amendments to the international application in response to notices of irregularities issued by the International Bureau of WIPO. The Trademark Electronic Filing System and Trademark Center continue to be trademark electronic filing systems as designated by the Director, but only in the circumstances referenced below.

DATES: Madrid e-Filing will be available for filing on July 31, 2026.

FOR FURTHER INFORMATION CONTACT: Jessica Ludeman, Office of the Deputy Commissioner for Trademark Examination Policy, at 571–272–7183 or *TMFRNotices@uspto.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), administered by the International Bureau of WIPO (IB), became effective in the United States in November 2003. The Regulations Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Regs. Rules) set forth the procedures regarding the administration of the Madrid Protocol, pursuant to Madrid Protocol Article (Article) 10(2)(iii). Under the Madrid Protocol, an owner of a U.S. trademark registration or pending application (basic application or registration) who is a national of, is domiciled in, or has a real and effective industrial or commercial establishment in the United States may file an international application originating with the United States, through the USPTO.[1] 15 U.S.C. 1141a; 37 CFR 7.4(a); Trademark Manual of Examining Procedure (TMEP) 1902.01.

The Madrid Protocol registration process for U.S. office of origin applicants begins when an international application is filed through the USPTO. 37 CFR 7.4(a), 7.11(a); TMEP 1902. The minimum requirements for granting a date of receipt of an international application are set forth in § 7.11(a). Following receipt by the USPTO, if the applicant has made no changes in the electronic prepopulated international application form, the USPTO automatically certifies and forwards the international application to the IB. This action means the USPTO was able to verify that the information in the international application corresponds to the information in the U.S. basic application or registration. 15 U.S.C. 1141(b); 37 CFR 7.13(a).

If changes have been made in the electronic prepopulated international application form or if the international application was submitted on the free-text electronic form, the application is reviewed by the USPTO's Madrid Processing Unit (MPU). TMEP 1902.03. If the international application meets the requirements of § 7.11(a), the MPU certifies and forwards the application to the IB. 15 U.S.C. 1141(b); 37 CFR 7.13(a). If the requirements of § 7.11(a) are not met for any reason, including applicant error, the MPU notifies the applicant that certification of the international application is denied. 37 CFR 7.13(b). In such case, the USPTO retains its certification fee; however, any international application fees paid through the USPTO are refunded to the applicant. 37 CFR 7.13(b).

When certification is denied, the applicant's recourse is to either file a new international application or petition the Director, for a fee, to review the decision denying certification of the international application under § 2.146(a)(3). 37 CFR 2.146(a)(3); TMEP 1902.03(a). If the international application is ultimately certified on petition, the date of the international registration will be the date the international application was originally received by the USPTO, *i.e.,* the filing date of the international application, but only if the international application is received by the IB within two months of the USPTO's date of receipt. 37 CFR 7.11(a); Article 3(4); Regs. Rule 15; see TMEP 1902.03(a), 1902.04. If more than two months have elapsed, the date of registration will be the date the international application is received by

[1] The USPTO requires all correspondence be filed through the trademark electronic filing system, unless an exception to the requirement to file electronically applies. 37 CFR 7.4(a); TMEP 1902.02. If the applicant is a national of a country that has acceded to the Trademark Law Treaty but not to the Singapore Treaty on the Law of Trademarks, the international application may be filed using a printed version of the official MM2 form issued by WIPO. See 37 CFR 7.4(c). If the trademark electronic filing system is unavailable, or in an extraordinary situation, the applicant may submit a petition to the Director under 37 CFR 2.146(a)(5) and (c) to accept the application on paper. 37 CFR 7.4(d).

the IB. Article 3(4); Regs. Rule 15; see TMEP 1902.03(a), 1902.04.

Once the international application is certified by the MPU, it is then forwarded to the IB and reviewed for completeness. A complete international application that meets the requirements of Article 3 and Regulations Rule 9 is registered. See TMEP 1902.05. If the IB determines the international application is not complete, it will issue a notice to the applicant and the USPTO of the irregularity. Regs. Rule 11; TMEP 1902.07. The irregularity notice will specify whether the response must be provided by the USPTO or the applicant as well as the consequences for not providing a timely response. See 37 CFR 7.14; TMEP 1902.07; Regs. Rule 11. If the USPTO must respond, it will issue a copy of the response to the applicant as a courtesy. See TMEP 1902.07(a).

If the response must be provided by the applicant, the notice of irregularity will indicate whether the submission must be made directly to the IB or through the USPTO. See 37 CFR 7.14; TMEP 1902.07; Regs. Rules 11, 12, 13. For instance, any additional international application fees that are owed must be paid in Swiss francs directly to the IB by the applicant. 37 CFR 7.14(c); TMEP 1902.07(b)(i); Regs. Rule 35(1).

With respect to the deadlines for irregularities that must be remedied by the applicant, unless the notice indicates ''if no response, WIPO proceeds [with the proposal in the notice],'' the irregularities must be corrected by the deadline indicated in the irregularity notice; otherwise, the international application may be abandoned by the IB. See TMEP 1902.07; Regs. Rules 11(2)(b), 12(7)(a)–(b).

Where an irregularity concerns the classification or indication (identification) of goods and/or services, the applicant must file a response through the USPTO. See TMEP 1902.07(f). To be considered timely, the response must be reviewed by the MPU and forwarded to the IB on or before the deadline in the irregularity notice. 37 CFR 7.14(e); TMEP 1902.07(f).

When a timely response to a notice of irregularity is received by the USPTO, the MPU reviews any amendments to the classification or identification of goods and/or services to ensure that the amendment(s) are within the scope of the identification in the U.S. basic application and/or registration. 37 CFR 7.14(b); TMEP 1902.07(c). If the amendment is acceptable, the MPU will forward the response to the IB.

If a timely response to a notice of irregularity identifies goods and/or services that exceed the scope of those listed in the U.S. basic application and/or registration, the MPU will notify the applicant that (1) the proposed amendment to the goods and/or services does not conform to the goods and/or services as identified in the U.S. basic application and/or registration and (2) the response will not be forwarded to the IB. TMEP 1902.07(c)(ii). As long as time remains in the IB response period, the applicant may submit a corrected response. Id. The MPU will forward a response to the IB only if (a) the corrected response amends the goods and/or services to those within the scope of the identification in the basic application and/or registration and otherwise resolves the identification issue and (b) time remains in the IB response period. Id. If the applicant does not submit an acceptable amendment that resolves the outstanding issue during the response period, the IB will proceed with the action indicated in the irregularity notice.

B. Designation of Electronic Filing System for U.S. Office of Origin International Applications and Responses to Notices of Irregularity

To improve the filing experience and expedite USPTO processing times, the Director now designates the WIPO Madrid e-Filing system as a trademark electronic filing system for submission of U.S. office of origin international applications and responses to notices of irregularity issued by the IB. The Trademark Electronic Filing System (TEAS) Application for International Registration form will remain available until at least September 2026 when Madrid e-Filing becomes the sole platform for filing U.S. office of origin international applications. After that time, TEAS will no longer be available for filing U.S. office of origin international applications. However, the TEAS Response to a Notice of Irregularity form will remain available until all international applications filed through TEAS have reached a final disposition.

Although Madrid e-Filing is anticipated to have little to no downtime, in the event of an outage an applicant may submit a petition to the Director under § 2.146(a)(5) and (c) to accept the international application or response to a notice of irregularity on paper. 37 CFR 7.4(d).

Applicants who file the international application through Madrid e-Filing may receive email communications from the MPU regarding any deficiencies in the international application and may have an opportunity to correct the application filed via Madrid e-Filing to avoid a formal denial of certification.

If the international application is certified by the MPU and forwarded to the IB for examination in accordance with 15 U.S.C. 1141(b), the applicant may subsequently receive email notices of irregularity from the IB. See TMEP 1902.05, 1902.07. For irregularities that require a response by the applicant through the USPTO, the applicant must submit amendments to resolve the irregularities via Madrid e-Filing. See TMEP 1902.07.

Madrid e-Filing is offered free of charge to member IP offices; thus, the USPTO will receive cost savings in significantly reduced IT expenditures for systems related to U.S. office of origin international application related filings. In addition, by migrating to Madrid e-Filing, the USPTO will be able to offer informal communications between the MPU and the international applicant, which the USPTO anticipates will significantly reduce the number of certification denials. This reduction is expected to result in cost savings for those applicants who will no longer need to file petitions to review the decisions denying certification. The USPTO will similarly realize cost savings by processing fewer petitions.

C. Filing and Certification of U.S. Office of Origin International Application Through Madrid e-Filing

As a result of the designation described above, U.S. office of origin international applicants may now file international applications using WIPO's Madrid e-Filing platform. Applicants can access the Madrid e-Filing version of the international application form from the USPTO's website at [URL]. The TEAS Application for International Registration form will remain available for filing until at least September 2026, at which time Madrid e-Filing will become the sole trademark electronic filing system for submitting a U.S. office of origin international application.[2]

Documents submitted using Madrid e-Filing, including the international application and related examination records of the USPTO and the IB, will be viewable only in Madrid e-Filing.

[2] Applicants who are nationals of a country that has acceded to the Trademark Law Treaty but not to the Singapore Treaty on the Law of Trademarks may continue to file international applications using a printed version of the official MM2 form issued by WIPO after Madrid e-Filing is implemented. See 37 CFR 7.4(c). If the trademark electronic filing system is unavailable, or in an extraordinary situation, the applicant may submit a petition to the Director under 37 CFR 2.146(a)(5), (c) and 2.147(a) to accept the application on paper. 37 CFR 7.4(d).

The assigned USPTO Reference Number and filing date of the international application will be the only information posted to and viewable in the USPTO's public-facing Trademark Status and Document Retrieval (TSDR) database.

To log into Madrid e-Filing, all applicants will be required to create a WIPO Account, which will be an applicant's personal online account for accessing WIPO's digital services. Payments, including the international application fees and the U.S. dollar equivalent of the USPTO certification fee, will be processed in Swiss francs and can be paid by a WIPO Current Account (an optional financial account for WIPO fee transactions), certain accepted credit/debit cards, E-Wallet (Apple Pay®, Google Pay®, Samsung Pay® and Alipay®), or PayPal®. 37 CFR 7.6, 7.7. Information about accepted forms of payment and how to pay fees can be found at *https://www.wipo.int/en/web/paying-for-ip-services/*. The certification fee is not currently changing, and it is the U.S. dollar equivalent of the amount listed on the USPTO fee schedule at *https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule#Trademark%20Fees* based on the exchange rate at the time of payment. See 37 CFR 7.6. If the applicant pays with a WIPO Current Account, the certification fee will be charged at the time of filing; however, the international application fees are merely authorized at the time of filing and will not be charged until just prior to registration. If payment is made via credit card, E-Wallet, or PayPal®, the payment of both the certification fee and the international application fee will be transacted at the time of submission. Regardless of the payment method chosen, the applicant will receive an email confirming successful payment from WIPO Pay, WIPO's online payment service.

The filing date of any electronic correspondence related to the U.S. office of origin international application in Madrid e-Filing will follow the guidelines established by 37 CFR 2.195. Correspondence is considered to be submitted the date the USPTO receives the transmission, based on Eastern Time in the United States, regardless of whether that date is a Saturday, Sunday, or a Federal holiday within the District of Columbia. TMEP 303.

When using Madrid e-Filing to file an international application, the applicant will be presented with an editable international application form that is prepopulated with the information from one or more U.S. basic applications or registrations. See TMEP 1902.02(a). Once an international application is submitted, if the prepopulated version of the form is both based on one U.S. basic application or registration and is not edited by the applicant, it will be automatically certified and a notice of certification will issue to the applicant. If edits have been made to the prepopulated form or the international application is based on multiple U.S. basic applications and/or registrations, MPU will review the international application to determine if it meets the requirements of 37 CFR 7.11(a). If the requirements are met, the MPU will certify the international application, issue a notice of certification to the applicant, and forward the application to the IB for review. 15 U.S.C. 1141b; 37 CFR 7.13(a).

If the MPU determines that the international application does not meet the requirements of § 7.11(a), the application will not be certified. 37 CFR 7.13(b). Instead, the MPU will issue the applicant a pre-certification correction request stating the reason(s) the international application cannot be certified (informal communication). When this informal communication issues, an email notice will also be sent to the applicant that the informal communication has issued and will include instructions to log into Madrid e-Filing to view the communication and take corrective action on the international application. The MPU will issue an informal communication only if the international application is reviewed more than two weeks immediately prior to the two-month window for the USPTO to certify the international application (blackout period). The blackout period is established to give sufficient time for the applicant to petition the Director in the event the MPU issues a decision denying certification of the international application. See TMEP 1902.03(a).

If the international application cannot be reviewed more than two weeks immediately prior to the blackout period and the application is not in condition for the USPTO to certify it under § 7.11(a), the MPU then will issue a denial of certification. No informal communication will issue.

When the MPU is able to issue an informal communication before the blackout period, the communication will request correction(s) by the applicant and simultaneously unlock the international application in Madrid e-Filing for amendment. The applicant will be granted the following time period (correction period), as appropriate, to amend the application: (1) if more than two weeks remain prior to the start of the blackout period, two weeks from the issue date of the informal communication; or (2) if less than two weeks remain prior to the start of the blackout period, then the time that remains prior to the start of the blackout period. Unless the decision is made by the MPU to deny certification of the international application, WIPO will not refund any international application fees already charged and the applicant may not petition the Director because a final agency decision has not issued. See TMEP 1902.03(a).

If the applicant takes no action within the time period specified in the informal communication, the MPU will deny certification of the international application because it has not met the minimum requirements of § 7.11(a). See 37 CFR 7.13(b).

If the applicant submits corrections within the time period specified in the informal communication, the MPU will be notified. The applicant does not need to otherwise respond to the informal communication or contact the MPU.

Once the MPU reviews the correction(s), if the corrected international application meets the requirements of § 7.11(a), the international application will be certified and forwarded to the IB. See 37 CFR 7.13(a). If the submitted corrections do not permit certification of the international application under § 7.11(a), the MPU will issue a denial of certification to notify the applicant of the reason(s) the application could not be certified. See 37 CFR 7.13(b).

If certification is denied and the international fees have been paid to WIPO via credit card, E-Wallet, or PayPal®, the applicant must contact WIPO at *https://www3.wipo.int/contact/en/madrid/to* initiate a refund. If the fees have been paid with a WIPO Current Account, the international application fees are merely authorized at the time of filing and therefore no refund will be due. The USPTO certification fee will not be refunded regardless of the payment method. 37 CFR 7.13(b).

Following a decision to deny certification, the applicant's options are to file (1) a new international application with new fees or (2) a petition to the Director to review the decision to deny certification under § 2.146(a)(3), along with the petition fee. 37 CFR 2.146(c)(1); TMEP 1902.03(a). Consistent with existing procedure, the petition should be filed immediately following denial of certification. Applicants should include a copy of any correspondence with the USPTO regarding the denial of certification in the petition. See 37 CFR 2.146(c)(1). If the petition is granted but international

application is not certified and forwarded within two months of the date of receipt in the USPTO, then the date of the international registration will be the date the IB receives the international application. Article 3(4); Regs. Rule 15; TMEP 1902.04.

D. Responding to a Notice of Irregularity Through TEAS

If the international application was filed through TEAS, an irregularity that requires an applicant's response through the USPTO must be filed via TEAS. The TEAS Response to a Notice of Irregularity form will remain available until all international applications originally submitted through TEAS are processed and have reached a final disposition, at which time the USPTO will retire the TEAS form.

E. Responding to Notices of Irregularity in Madrid e-Filing

Following the launch of Madrid e-Filing, if the international application was originally filed using Madrid e-Filing, an irregularity that requires an applicant's response to be filed through the USPTO must be submitted using Madrid e-Filing.

If the applicant must respond to the notice of irregularity directly to the IB, such as for underpayment of international fees, the notice of irregularity will provide instructions for responding. If the USPTO must respond, the MPU will continue to issue a copy of the response to the applicant as a courtesy. See TMEP 1902.07(a).

When a response to a notice of irregularity is submitted through the USPTO using Madrid e-Filing, the submission date is the date the USPTO receives the transmission based on Eastern Time in the United States, regardless of whether that date is a Saturday, Sunday, or a Federal holiday within the District of Columbia. 37 CFR 2.195; TMEP 303. The MPU will not review or forward the response to the IB if the USPTO receives it after the deadline established in the notice or if a timely response cannot be reviewed and forwarded by the deadline. 37 CFR 7.14(e).

If the IB determines that an international application is unacceptable, the applicant will receive an irregularity notice from the IB and may view the irregularity notice by accessing the corresponding international application in the applicant's Madrid e-Filing portfolio. See Regs. Rules 11(2)(b), 12(7)(a)–(b). This notice will not be viewable in the TSDR database.

When the applicant must respond to the irregularity notice through the USPTO, the timely response must be provided directly within the ''Answer'' section of the irregularity notice. The international application itself is not editable. If the applicant does not provide a timely response to the irregularity notice, the IB will proceed with the action indicated in the irregularity notice.

Similar to current practice, the MPU will review timely responses to irregularities. TMEP 1902.07(c)(i), (ii). If the MPU determines that the proposed amendment is acceptable and there is time remaining in the response period, the response will be forwarded to the IB. *Id.* The applicant will be notified that the response has been forwarded. *Id.*

If the MPU determines that the applicant's response to the notice of irregularity proposes an unacceptable amendment, the MPU will notify the applicant that (1) the proposed amendment is not acceptable and (2) the response will not be forwarded to the IB. TMEP 1902.07(c)(ii). The notification from the MPU will issue via email and will be viewable in Madrid e-Filing.

As long as time remains in the IB response period, the applicant may continue to submit responses in the ''WIPO irregularities'' section of the international application following the issuance of a new notification from the MPU until the proposed amendment is determined to be acceptable by the MPU. Although the MPU will review all responses received by the IB deadline, this does not ensure an acceptable response can be forwarded to the IB by the deadline indicated in the irregularity notice. Therefore, applicants should continue to submit their response as soon as possible and at least one month prior to the IB's deadline to ensure it can be reviewed and forwarded to the IB by the response deadline. 37 CFR 7.14(e).

Ultimately, if the MPU cannot forward the response by the response deadline, the IB may proceed with the action indicated in the irregularity notice and will notify the applicant and the USPTO accordingly.

F. Subsequent Designation in TEAS

Outside of the U.S. office of origin international application process, the holder of a U.S. Office of origin international registration who is a national of, is domiciled in, or has a real and effective business or commercial establishment in the United States will continue to have the option to submit a subsequent designation through the IB or the USPTO using the TEAS Subsequent Designation form, which is scheduled to move into the trademark electronic filing system, Trademark Center, in 2027. See 15 U.S.C. 1141d; 37 CFR 7.21(a)–(b). Therefore, TEAS and/or Trademark Center will remain the trademark electronic filing systems designated by the Director for the purpose of filing a subsequent designation directly through the USPTO, and the U.S. transmittal fee will continue to be required by 37 CFR 7.6 when filed through these designated systems. 37 CFR 7.21(b)(7). No transmittal fee is owed if the subsequent designation is filed directly with the IB at *https://madrid.wipo.int/.* 37 CFR 7.21(a); TMEP 1902.08; Article 3*ter*(2); Regs. Rule 24.

John A. Squires,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2026–14239 Filed 7–14–26; 8:45 am]

BILLING CODE 3510–16–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; AmeriCorps VISTA Criminal History Acknowledgement Form

AGENCY: Corporation for National and Community Service.

ACTION: Notice of new information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing a new information collection for AmeriCorps VISTA sponsors and certain categories of candidates for VISTA service.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 14, 2026.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through *www.regulations.gov* (preferred method).

(2) *By mail sent to:* Elizabeth Southall, Acting Director VMSU, AmeriCorps, 250 E Street SW, Washington, DC 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the

public through *regulations.gov*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Elizabeth Southall, Acting Director VISTA Member Service Unit, AmeriCorps, 202–606–3835, *esouthall@americorps.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps VISTA Criminal History Acknowledgment Form.

OMB Control Number: 3045–NEW.

Type of Review: New.

Respondents/Affected Public: Businesses and Organizations, State, Local or Tribal Governments; Individuals and Households.

Total Estimated Number of Annual Responses: 120.

Total Estimated Number of Annual Burden Hours: 120.

Abstract: The AmeriCorps VISTA Criminal History Acknowledgment Form (CHAF) is part of a new process that increases sponsor autonomy in AmeriCorps VISTA volunteer (member) selection and standardizes data collection for more efficient workflow and prompt adjudication of criminal history issues. The CHAF must be completed by VISTA sponsors when a candidate for VISTA service either fails to report their criminal history on their application or is noted to have a criminal history involving certain violent or serious offenses. In the latter case, a VISTA candidate reports the offense, its date, the final court judgment, and the legal status of each offense in Part A of the CHAF. In Part B, they accept the AmeriCorps VISTA conditions for serving with a criminal history special consideration.

On Part C of the form, the VISTA sponsor or site supervisor provides a recommendation to accept or reject the candidate based on the disclosed criminal history. They must include an explanation of why they consider the candidate to be (or not be) a good fit for their program in light of the disclosed criminal history and, if they recommend acceptance, what measures they will have in place to support a successful service term for the candidate and appropriate supervision.

Part D is a personal narrative that applicants who have noted a criminal history involving violence must complete.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Brendan Murphy,

Acting Director, AmeriCorps VISTA.

[FR Doc. 2026–14188 Filed 7–14–26; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2026–HQ–0134]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense (referred to herein as ''the Department'', ''Department of War'' or ''DoW'') 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 August 14, 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: Army Youth Program Feedback Survey; OMB Control Number 0702–CYSS.

Type of Request: New.

Number of Respondents: 300.

Responses per Respondent: 2.

Annual Responses: 600.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 100.

Needs and Uses: The Army Child, Youth, and School Services (CYSS) Youth Program (YP) is vital to supporting the readiness, retention, and lethality of the Total Force by helping military families balance the competing demands of work and military life. Pursuant to Department of War Instruction 1342.22, Section 6.d, the Army is required to conduct outcome and cost-effectiveness evaluations of its youth and family readiness programs. Under a cooperative agreement with the Army Directorate of Prevention, Resilience, and Readiness, researchers at the Clearinghouse for Military Family Readiness at Penn State University are conducting an empirical outcome evaluation of the CYSS YP.

To determine program impacts, this information collection will gather web-based survey feedback from two primary groups of Army parents of youth in grades 6–12 across 12 to 15 selected installations: (1) parents whose youth participate in the CYSS YP, and (2) a comparison group of parents whose youth do not participate. The evaluation utilizes a longitudinal design across two

timepoints (Wave 1 and Wave 2). The survey will collect data on key outcomes of interest, including parental/Soldier mission focus, parental stress, youth well-being, and resilience to relocation stress.

The collected data will be anonymized using unique respondent IDs to protect confidentiality and enable longitudinal wave-matching. Researchers will clean and analyze this data to estimate program impacts and identify the mechanisms through which CYSS YP promotes positive youth development and family resilience. The finalized, de-identified findings will be presented to the Office of the Deputy Chief of Staff, G–1, to guide strategic program improvements, resource allocation, and stakeholder communications regarding the effectiveness of Army youth services.

Affected Public: Individuals or households.

Frequency: Two-timepoint longitudinal collection.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: July 10, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–14194 Filed 7–14–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2026–HQ–0298]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Navy announces the proposed extension of an approved public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 14, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to OPNAV Forms/Information Collections Office (DNS–14), 2000 Navy Pentagon, Room 4E563, Washington, DC 20350–2000, ATTN: Ms. Ashley Alford, or call 703–614–7585.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Naval Academy Candidate Application Package; USNA Forms 1110/7, 1110/21, 5500/1, 5710/1, 1531/11, 1531/16, and 1531/17; OMB Control Number 0703–0036.

Needs and Uses: This information requirement is used to determine the eligibility, competitive standing, and the scholastic and leadership potential of candidates for an appointment to the United States Naval Academy (USNA). Prior performance, including academic achievements, involvement in extracurricular activities and performance in leadership positions, has been found to be an excellent predictor of success. Without this information, the Naval Academy's ability to recruit qualified candidates will be seriously impacted. An analysis of the information collected is made by the Admissions Board in order to gauge the qualifications of individual candidates. Respondents are applicants for admission to the USNA, persons interested in applying for admission to the USNA, school officials for those applicants, Chain of Command officials for active-duty applicants, person's providing recommendations for applicants, Blue and Gold Officers, Embassy or Naval Attachés for international applicants from other countries, and local law enforcement officials.

Affected Public: Individuals or households.

Request for Information

Annual Burden Hours: 2,208.
Number of Respondents: 26,500.
Responses per Respondent: 1.
Annual Responses: 26,500.
Average Burden per Response: 5 minutes.

International Applicant Nominations

Annual Burden Hours: 11.
Number of Respondents: 128.
Responses per Respondent: 1.
Annual Responses: 128.
Average Burden per Response: 5 minutes.

Preliminary Application

Annual Burden Hours: 16,000.
Number of Respondents: 16,000.
Responses per Respondent: 1.
Annual Responses: 16,000.
Average Burden per Response: 60 minutes.

Application Process

Annual Burden Hours: 28,225.
Number of Respondents: 14,000.
Responses per Respondent: 1.
Annual Responses: 14,000.
Average Burden per Response: 120.96 minutes.

Recommendations and Evaluations

Annual Burden Hours: 70,317.
Number of Respondents: 70,775.
Responses per Respondent: 1.
Annual Responses: 70,775.
Average Burden per Response: 59.61 minutes.

Accepted Candidate Package

Annual Burden Hours: 5,420.
Number of Respondents: 1,200.
Responses per Respondent: 4.23.
Annual Responses: 5,079.
Average Burden per Response: 64.03 minutes.

Total

Number of Respondents: 128,603.
Annual Responses: 132,482.
Annual Burden Hours: 122,181.
Frequency: On occasion.

Dated: July 10, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–14196 Filed 7–14–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 12, 2026; 8 a.m.–4:30 p.m. PDT.

ADDRESSES: U.S. Department of Energy, 2420 Stevens Center Place, Conference Room 153, Richland, Washington 99354. This meeting will be held in-person and virtually. To receive the virtual access information, please contact the Deputy Designated Federal Officer, Meegan Tripp, at the telephone number or email listed below at least two days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Meegan Tripp, Deputy Designated Federal Officer, U.S. Department of Energy, Office of Environmental Management; Phone: (509) 376–2403; or Email: *meegan.tripp@hanford.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* At the request of the Assistant Secretary or Field Managers, the Board may provide community-based advice and recommendations concerning any EM program activities, such as clean-up activities and environmental restoration; waste management and disposition; excess facilities; future land use and long-term stewardship; communications; and budget priorities. The Board also provides an avenue to fulfill public participation requirements outlined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Meegan Tripp for the most current agenda)

- Tri-Party Agreement Agencies Updates
- Presentations to the Board
- Board Discussion

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Meegan Tripp. The EM SSAB, Hanford, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Meegan Tripp at least seven days in advance of the meeting.

Meeting conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *https://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signing Authority: This document of the Department of Energy was signed on July 13, 2026, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on July 13, 2026.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–14235 Filed 7–14–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–23–000]

Columbia Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed Hunt Storage Field Abandonment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Hunt Storage Field Abandonment, proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket.[1] Columbia requests authorization to abandon injection/withdrawal wells, observation wells, special wells, all associated pipelines and aboveground appurtenances, and the Hunt Compressor Station in Kanawha County, West Virginia.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on August 10, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Hunt Storage Field Abandonment in accordance with the requirements of the National Environmental Policy Act (NEPA)[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1767969814.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the following project facilities:

- plug and abandon sixteen injection/withdrawal wells;
- plug and abandon three observation wells;
- plug and abandon three special wells, which are observation wells that currently serve low pressure distribution systems;
- abandon approximately 7.18 miles of various storage pipelines in the Hunt Storage Field (0.45 mile to be abandoned by removal and 6.72 miles to be abandoned in place);
- abandon by removal the Hunt Compressor Station, including the associated buildings, appurtenances, and aboveground station piping;
- abandon by removal all above-ground appurtenances including pipeline markers, cathodic protection test stations, rectifiers, casing vents, and above-ground pipeline blowdown vents; and
- abandon in place compressor station fencing, remaining below-ground piping and miscellaneous appurtenances.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and media outlets and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.* CP26–23). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–23–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(*Authority:* 18 CFR 2.1)

Dated: July 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–14212 Filed 7–14–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–272–000.

Applicants: Buffalo Solar Farm, LLC.

Description: Buffalo Solar Farm, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/10/26.

Accession Number: 20260710–5191.

Comment Date: 5 p.m. ET 7/31/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–2564–002.

Applicants: Mid-Atlantic Offshore Development, LLC, PJM Interconnection, L.L.C.

Description: Compliance filing: Mid-Atlantic Offshore Development, LLC submits tariff filing per 35: MAOD e-Tariff Settlement Compliance Filing to be effective 10/1/2024.

Filed Date: 7/10/26.

Accession Number: 20260710–5125.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–2226–001.

Applicants: Oklahoma Gas and Electric Company.

Description: Compliance filing: Amendment to Order No. 898 Compliance Filing to be effective 12/31/9998.

Filed Date: 7/10/26.

Accession Number: 20260710–5060.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–2542–001.

Applicants: American Transmission Systems, Incorporated.

Description: Tariff Amendment: ATSI Amendment to SA No. 7358 to be effective 9/9/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5139.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3124–000.

Applicants: Golden Fields Solar VI, LLC.

Description: Initial rate filing: Filing of Shared Facilities Common Ownership Agreement—Crux-Whirlwind to be effective 8/10/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5067.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3125–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Fourth Revised Rate Schedule FERC No. 7—Amendment to Exhibit A to be effective 7/11/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5074.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3126–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: Revision to Exhibit A of RS FERC No. 23, Contract for IS with TEC to be effective 7/11/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5081.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3127–000.

Applicants: ISO New England Inc., Eversource Energy Service Company (as agent).

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: ISO–NE/Eversource; Revised Interconnection Service Agreements to be effective 9/8/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5092.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3128–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC.

Description: § 205(d) Rate Filing: MAIT submits an Amended IA—SA No. 4577 to be effective 9/9/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5100.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3129–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 1 to be effective 9/9/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5120.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3130–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4912 NextEra Energy Resources Development Surplus GIA to be effective 9/9/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5123.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3131–000.

Applicants: Moonraker BESS LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence and Request for Waivers and Blanket Approvals to be effective 8/10/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5131.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3132–000.

Applicants: Zama Renewables LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence and Request for Waivers and Blanket Approvals to be effective 8/10/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5133.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3133–000.

Applicants: Golden Fields Solar VI, LLC.

Description: Initial rate filing: Market-Based Rate Application and Request for Waivers and Blanket Approvals to be effective 8/10/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5158.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3134–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: WDAT IPE Alignment and Enhancements Filing to be effective 9/9/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5179.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3135–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Termination of DEA, SA No. 7237 between PJM and ACE to be effective 8/31/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5192.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: ER26–3136–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Termination of DEA, SA No. 7061 between PJM and JCPL to be effective 8/31/2026.

Filed Date: 7/10/26.

Accession Number: 20260710–5197.

Comment Date: 5 p.m. ET 7/31/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–14230 Filed 7–14–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–71–000.
Applicants: Hugh Brinson Pipeline, LLC.
Description: § 284.123 Rate Filing: HBP Petition for NGPA Section 311 Rate Approval and Initial SOC to be effective 6/13/2026.
Filed Date: 7/10/26.
Accession Number: 20260710–5097.
Comment Date: 5 p.m. ET 7/31/26.
Docket Numbers: RP26–975–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: RP 2026–07–10 Non-Conforming Rate Agreement to be effective 7/1/2027.
Filed Date: 7/10/26.
Accession Number: 20260710–5102.
Comment Date: 5 p.m. ET 7/22/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–936–008.
Applicants: Vector Pipeline L.P., Adelphia Gateway, LLC.
Description: Compliance filing: Vector Pipeline L.P. submits tariff filing per 154.203: Vector Pipeline Petition to Amend Offer of Settlement to be effective N/A.
Filed Date: 7/10/26.
Accession Number: 20260710–5057.
Comment Date: 5 p.m. ET 7/22/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–14231 Filed 7–14–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–547–000]

Gulf South Pipeline Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on June 26, 2026, Gulf South Pipeline Company, LLC (Gulf South) 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Texas Gateway Project (Project). The Project consists of: (1) the new Texas Gateway Pipeline that consists of 155 miles of 36-inch-diameter and 42-inch-diameter greenfield pipeline located in Panola, Shelby, San Augustine, Sabine, Jasper, and Newton Counties, Texas and Beauregard Parish, Louisiana, extending from the discharge of Gulf South's existing Carthage Compressor Station in Panola County, Texas to the new Gillis Delivery Points in Beauregard Parish, Louisiana; (2) two new Titan 130 compressor units, for a total of 39,260 nominal horsepower (hp), at the existing Carthage Compressor Station, including a new bidirectional check meter station at the northern terminus of the proposed pipeline, and appurtenant facilities; (3) one new Titan 250 and one new Titan 130 gas-fired compressor units, for a total of 44,961 nominal hp at the existing Magasco Compressor Station in Sabine County, Texas and appurtenant facilities; (4) the new Cleveland Compressor Station, consisting of one 13,410 hp gas-fired compressor unit, located in San Jacinto County, Texas and appurtenant facilities; (5) three new metering stations, all in Beauregard Parish, Louisiana; (6) seven new mainline valve facilities within the proposed pipeline right-of-way; and (7) six new pig launcher/receiver facilities along the proposed pipeline. The Project will provide an additional 1,800,000 dekatherms per day of new firm transportation capacity between the existing Carthage Compressor Station and the Gillis hub enabling Gulf South to meet growing energy demand for enhanced reliability and diversity of natural gas supplies. Gulf South estimates the total cost of the Project to be approximately $1.4 billion and proposes to charge firm transportation rates under its existing FTS rate schedule and tariff, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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

Any questions regarding the proposed project should be directed to Juan Eligio Jr., Vice President, Certificates, Gulf South Pipeline Company, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, or by phone at (713) 479–3480, or by email at *juan.eligio@bwpipelines.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of

[1] 18 CFR 157.9.

the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

Gulf South stated that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Railroad Commission of Texas and the Louisiana Department of Environmental Quality. When available, Gulf South should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on July 31, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on July 31, 20206.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–547–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–547–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[7] and the regulations under the NGA[8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on July 31, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–547–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–547–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Juan Eligio Jr., Vice President, Certificates, Gulf South Pipeline Company, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas, 77046, or by email (with a link to the document) at *juan.eligio@bwpipelines.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on July 31, 2026.

(Authority: 18 CFR 2.1)

Dated: July 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–14213 Filed 7–14–26; 8:45 am]

BILLING CODE 6717–01–P

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13145–01–OAR]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Reference Method and Three New Equivalent Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Environmental Protection Agency (EPA) has designated one new reference method for measuring carbon monoxide (CO), one new equivalent method for measuring particulate matter (PM) 2.5 micrometers (μm) or less ($PM_{2.5}$), one new equivalent method for measuring PM 10μm or less (PM_{10}), and one new equivalent method for measuring $PM_{10–2.5}$ in ambient air.

FOR FURTHER INFORMATION CONTACT: For further information about this notice, contact the Reference and Equivalency Methods Program, Air Quality Assessment Division, Office of State Air Partnerships, U.S. Environmental Protection Agency, P.O. Box 12055, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711. email address: *FRMFEM@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of ambient air pollutants for which the Agency has established National Ambient Air Quality Standards (NAAQS) as set forth in 40 CFR part 50. Air monitoring methods determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other air monitoring agencies for determining compliance with the NAAQS. A list of all reference or equivalent methods that have been previously designated by the EPA may be found at *https://www.epa.gov/amtic/air-monitoring-methods-criteria-pollutants.*

The EPA hereby announces the designation of one new reference method for measuring concentrations of CO ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on March 6, 2024.[1]

The new reference method for CO is an automated method (analyzer) utilizing the measurement principle based on gas filter correlation principles and non-dispersive infrared technology (GFC/NDIR). This newly designated reference method is identified as follows:

RFCA–0625–271, ''Vasthi Instruments Model Vair-9003 CO Analyzer,'' GFC/NDIR analyzer operated in a range of 0–50 parts per million (ppm), with 0.5 μm, 47 millimeter (mm) diameter Teflon® filter installed, operated at temperatures between 20 °C and 30 °C, with temperature and pressure compensation, at a nominal sampling flow rate of 800 cubic centimeters per minute (cc/min), using a 5-minute averaging time, with 100–240 volt (V) input power, 270-watt power consumption, equipped with a 7-inch liquid crystal display (LCD) touch screen display, and operated according to the Vasthi Instruments Model Vair-9003 Carbon Monoxide Gas Analyzer User's Instruction Manual.

An application for a reference method determination for this CO method was received by the EPA on November 21, 2024. This monitor is commercially available from the applicant, Vasthi Instruments Pvt. Ltd, Phase IV, Auto Nagar, Guntur, Andhra Pradesh, India.

The EPA hereby announces the designation of three new equivalent methods for measuring concentrations of $PM_{2.5}$, PM_{10}, and $PM_{10–2.5}$ in ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on March 6, 2024.[2]

The new equivalent method for $PM_{2.5}$ is an automated method (monitor) utilizing the measurement principle based on optical mass spectroscopy. This newly designated equivalent method is identified as follows:

EQPM–1125–273, ''Met One Instruments Powered by Acoem OPX 1025 Optical $PM_{2.5}$ Mass Monitor,'' continuous ambient particulate monitor operated at a volumetric sample flow rate of 16.67 liters/min equipped with a standard U.S. EPA PM 10 μm or less in ambient air (PM_{10}) size-selective inlet (meeting 40 CFR part 50 Appendix L specifications); for example, Met One

[1] 89 FR 16202 (Mar. 6, 2024).

[2] *Id.*

PN: BX–802, or with a TSP inlet designed for 16.67 liters/min, Inlet Heater/Sample Conditioner (Met One PN: 84288), and Met One PN: BX–597A ambient temperature/barometric pressure/relative humidity combination sensor or compatible Weather Sensor as specified in the OPX 1025 Operation Manual; and configured for operation with firmware version 1.0.0 or later, in accordance with the OPX 1025 Operation Manual. This designation applies to $PM_{2.5}$ measurements only.

An application for an equivalent method determination for this $PM_{2.5}$ method was received by the EPA on July 11, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

The new equivalent method for PM_{10} is an automated method (monitor) utilizing the measurement principle based on optical mass spectroscopy. This newly designated equivalent method is identified as follows:

EQPM–1225–274, ''Met One Instruments Powered by Acoem OPX 1025 Optical PM_{10} Mass Monitor,'' continuous ambient particulate monitor operated at a volumetric flow rate of 16.67 liters/min equipped with a standard US EPA PM_{10} size-selective inlet (meeting 40 CFR 50 Appendix L specifications); for example, Met One PN: BX–802, Inlet Heater/Sample Conditioner (Met One PN: 84288), and Met One PN: BX–597A ambient temperature/barometric pressure/relative humidity combination sensor or compatible Weather Sensor as specified in the OPX 1025 Operation Manual; and configured for operation with firmware version 1.0.0 or later, in accordance with the OPX 1025 Operation Manual. This designation applies to PM_{10} measurements only.

An application for an equivalent method determination for this PM_{10} method was received by the EPA on July 21, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

The new equivalent method for $PM_{10–2.5}$ utilizes a pair of optical mass spectroscopy monitors that have been designated individually as equivalent methods, one for $PM_{2.5}$ and the other for PM_{10}. The $PM_{2.5}$ and PM_{10} monitors are designated as equivalent methods EQPM–1125–273 and EQPM–1225–274, respectively. The newly designated $PM_{10–2.5}$ monitor is identified as follows:

EQPM–1225–275, ''Met One Instruments Powered by Acoem OPX 1025 Optical $PM_{10–2.5}$ Mass Monitor Pair,'' for the determination of coarse particulate matter as $PM_{10–2.5}$, consisting of a pair of Met One Instruments Powered by Acoem OPX 1025 monitors, with one being the OPX 1025 Optical $PM_{2.5}$ monitor (EQPM–1125–273) and the other being the OPX 1025 Optical PM_{10} monitor (EQPM–1225–274). The units are to be collocated to within 1–4 meters of one another and sample concurrently. Both units are operated in accordance with the OPX 1025 Operation Manual. This designation applies to $PM_{10–2.5}$ measurements only.

An application for an equivalent method determination for this $PM_{10–2.5}$ method was received by the EPA on July 22, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

As designated reference and equivalent methods, these methods are acceptable for use by States and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, these methods must be used in strict accordance with the operation or instruction manual associated with these methods and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the designated method descriptions. Consistent or repeated noncompliance with any of these conditions should be reported to the Reference and Equivalency Methods Program.

Use of these methods should also be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program,'' EPA–454/B–13–003.[3] Provisions concerning modification of such methods by users are specified under section 2.8 (*Modifications of Methods by Users*) of Appendix C to 40 CFR part 58.

Questions concerning the commercial availability or technical aspects of these methods should be directed to the applicants.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–14237 Filed 7–14–26; 8:45 am]

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[3] Both of these handbooks are available at *https://www.epa.gov/amtic/ambient-air-monitoring-quality-assurance-guidance-documents.*

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 July 30, 2026.

A. Federal Reserve Bank of Chicago (Christopher Koopmans, Senior Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Jennifer Garst Family Trust UW dated March 8, 2022, Iowa State Bank as trustee, both of Des Moines, Iowa, and Elizabeth Garst, as Trust Investment Director, Coon Rapids, Iowa;* to join the Garst Family Control Group, a group acting in concert, to retain voting shares of Greene Investment Co., and thereby indirectly retain voting shares of Home State Bank, both of

Jefferson, Iowa, and Raccoon Valley Bank, Perry, Iowa.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–14232 Filed 7–14–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0550]

Submission for Office of Management and Budget Review; Office of Refugee Resettlement Unaccompanied Refugee Minors Program Application and Withdrawal of Unaccompanied Refugee Minors Program Application or Declination of Unaccompanied Refugee Minors Program Placement Forms

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement is requesting a 3-year extension with revisions of the Unaccompanied Refugee Minors (URM) Program Application and Withdrawal of URM Program Application or Declination of URM Program Placement Forms (Office of Management and Budget #: 0970–0550, expiration July 31, 2026). Revisions were made to reduce burden and streamline information collection.

DATES: *Comments due* August 14, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-0970-005.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The URM Program Application is completed on behalf of unaccompanied minors in the United States who are applying for entry into the URM Program. The application includes biographical data and information on the child's needs to support placement efforts. The Withdrawal of URM Program Application or Declination of URM Program Placement Forms are completed when a child is no longer interested in entering the URM Program or is not interested in entering the placement he/she was offered. These forms will be translated into Spanish, French, and other languages as appropriate. ACF acknowledges that English is the official language and authoritative version of all federal information and will note this on the translated material.

Proposed revisions include reducing the number of open-ended text box questions by 67 percent, changing the format of other questions to allow for quicker responses, cutting unnecessary questions, and revising instructions for enhanced clarity.

Respondents: Case managers, attorneys, or other representatives working with unaccompanied minors who may be eligible for the URM Program.

Annual Burden Estimates

The edits described above will result in a reduction in average burden hours per respondent by 33 percent. The estimated total number of respondents over the next 3 years is expected to be fewer than previously estimated. Overall, the estimated total annual burden hours will be reduced by 48 percent once revisions are implemented. Revisions will be implemented after a 12-month implementation timeframe; the following burden estimates are specific to the revised version following the implementation period.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Unaccompanied Refugee Minors Program Application	350	1	1.00	350
Withdrawal of Application or Declination of Placement Forms	40	1	0.20	8
Estimated Total Annual Burden Hours				358

(Authority: 8 U.S.C. 1522(d).)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–14225 Filed 7–14–26; 8:45 am]

BILLING CODE 4184–89–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meetings of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice; 28th public meeting of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that an in-person meeting is scheduled to be held for the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB). The meeting will be open to the public as well as streamed live on *hhs.gov/live.* A pre-registered public comment session will be held during the meeting. Pre-registration is required for members of the public who wish to present their comments live during the meeting. Individuals who wish to send in their written public comment should send an email to *CARB@hhs.gov.* Registration information is available on the website *http://www.hhs.gov/paccarb* and must be completed by September 1, 2026, to attend and/or provide live comments at the September 9–10, 2026 public meeting. Additional information about registering for the meeting and providing public comment can be obtained at *http://www.hhs.gov/paccarb* on the Upcoming Meetings page.

DATES: The meeting is scheduled to be held on September 9–10, 2026, from 9:00 a.m. to 5:00 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the PACCARB at *http://www.hhs.gov/paccarb* when this information becomes available. Pre-

registration for attending the meeting starts July 31, 2026 and it should be completed no later than September 1, 2026.

ADDRESSES: The meeting will be held in-person at the Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW, Washington, DC 20201. The meeting will also be live-streamed and can be accessed through a live webcast on the day of the meeting. Additional instructions regarding attending this meeting virtually will be posted at least one week prior to the meeting at: *http://www.hhs.gov/paccarb.*

FOR FURTHER INFORMATION CONTACT: Sarah Mcclelland, M.P.H., Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, Email: *CARB@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB), established by Executive Order 13676, is continued by Section 505 of Public Law 116–22, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 (PAHPAIA). Activities and duties of the PACCARB are governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

The PACCARB shall advise and provide information and recommendations to the Secretary of Health and Human Services (Secretary) regarding programs and policies intended to reduce or combat antibiotic-resistant bacteria that may present a public health threat and improve capabilities to prevent, diagnose, mitigate, or treat such resistance. The PACCARB shall function solely for advisory purposes.

Such advice, information, and recommendations may be related to improving: the effectiveness of antibiotics; research and advanced research on, and the development of, improved and innovative methods for combating or reducing antibiotic resistance, including new treatments, rapid point-of-care diagnostics, alternatives to antibiotics, including alternatives to animal antibiotics, and antimicrobial stewardship activities; surveillance of antibiotic-resistant bacterial infections, including publicly available and up-to-date information on resistance to antibiotics; education for health care providers and the public with respect to up-to-date information on antibiotic resistance and ways to reduce or combat such resistance to antibiotics related to humans and animals; methods to prevent or reduce the transmission of antibiotic-resistant bacterial infections; including stewardship programs; and coordination with respect to international efforts in order to inform and advance the United States capabilities to combat antibiotic resistance.

The focus of the September 9–10, 2026, meeting will be to explore how microbiome science can support AMR prevention, drive novel interventions, and build public awareness and understanding of microbiome-focused health promotion measures. The meeting will focus on innovative and emerging topics in antimicrobial resistance (AMR) and the microbiome. The meeting agenda will be posted on the PACCARB website at *http://www.hhs.gov/paccarb* when it has been finalized. All agenda items are tentative and subject to change. Instructions regarding attending the meeting virtually will be posted at least one week prior to the meeting at: *http://www.hhs.gov/paccarb.* Members of the public will have the opportunity to provide comments during the September meeting by pre-registering online at *http://www.hhs.gov/paccarb;* pre-registration is required for participation in this session with limited spots available. Written public comments can also be emailed to *CARB@hhs.gov* by midnight September 2, 2026, and should be limited to no more than one page. All public comments received prior to September 2, 2026, will be provided to the PACCARB members.

Sarah Mcclelland,

Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health.

[FR Doc. 2026–14189 Filed 7–14–26; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information (RFI): Inviting Comments and Suggestions on Topic Areas for the NIDCR Strategic Plan for Fiscal Years 2027–2031

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute of Dental and Craniofacial Research (NIDCR) is developing its Strategic Plan for Fiscal Years 2027–2031. NIH is publishing this Request for Information (RFI) to solicit input from researchers in academia and industry; health care professionals; patient advocates and advocacy organizations; scientific and professional societies; federal partners; and other interested members of the public on topics under consideration for the next strategic plan. Organizations are strongly encouraged to submit a single response that reflects the views of the organization and its membership.

DATES: Comments must be received by 11:59:59 p.m. (ET) on Monday, September 14, 2026.

ADDRESSES: Responses to this RFI must be submitted electronically using the web-based form at: *https://www.nidcr.nih.gov/about-us/strategic-plan/not-de-26-015.*

FOR FURTHER INFORMATION CONTACT: Questions about this request for information should be directed to Wendy Knosp, Ph.D., National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892, *nidcrstrategicplan@nidcr.nih.gov,* 240–597–8345.

SUPPLEMENTARY INFORMATION:

Background

The National Institute of Dental and Craniofacial Research (NIDCR), established in 1948 through the National Dental Research Act, is the federal government's lead agency for research on dental, oral, and craniofacial (DOC) health and disease. NIDCR's mission is to advance fundamental knowledge about DOC health and disease and translate these findings into prevention, early detection, and treatment strategies that improve overall health across the lifespan.

In accordance with the 21st Century Cures Act (Pub. L. 114–255), NIDCR is developing its Strategic Plan for Fiscal Years 2027–2031. The Institute's current strategic plan, Science: Advancing Oral Health for All 2021–2026 (available at *https://www.nidcr.nih.gov/sites/default/files/2022-01/NIDCR-Strategic-Plan-2021-2026.pdf*), is organized around five strategic priorities: integrate oral and general health; precision dental medicine; translate and implement; robust research pipeline; and partner and collaborate. These priorities have helped shape a robust and responsive research portfolio.

As the world's largest funder of oral health research, NIDCR advances fundamental knowledge of dental, oral,

and craniofacial (DOC) health and disease and translates these insights into strategies for prevention, early detection, and treatment. NIDCR's funding decisions weigh rigorous assessments of scientific merit, alignment with program priorities, and balance across the research portfolio. Moreover, these decisions are anchored in the current NIDCR Strategic Plan (available at *https://www.nidcr.nih.gov/about-us/strategic-plan*), which emphasizes continued investment in fundamental research to sustain scientific excellence and advance the institute's broader mission. To that end, the Institute's supported research has deepened understanding (available at *https://www.nidcr.nih.gov/news-events/nidcr-news/2024/probing-periodontal-disease*) of the oral microbiome and inflammatory pathways underlying gum disease, with implications for both oral and systemic health. Initiatives such as the DOC Tissue Regeneration Consortium (available at *https://doctrc.org/*) further bridge discovery and clinical application, helping move basic science toward patient-centered solutions.

As NIDCR looks to the future, there is a growing need for science that not only builds on these foundations but also anticipates and responds to emerging public health challenges, technological advances, and evolving patient and community needs. Input is sought on how the next strategic plan can position the DOC research enterprise to meet current demands while remaining adaptable to future scientific opportunities.

NIDCR recognizes the critical role of oral health in overall health and well-being. Increasing evidence highlights the interconnectedness of DOC conditions with systemic health outcomes, underscoring the importance of integrating DOC research within broader biomedical and public health contexts. At the same time, a deeper understanding of the root causes of DOC diseases is essential to inform prevention strategies and improve treatments.

The purpose of this Request for Information (RFI) is to gather input from a broad range of stakeholders to inform the development of NIDCR's strategic directions for fiscal years 2027–2031. Specifically, NIDCR seeks feedback on research needs, gaps, opportunities, and emerging scientific areas relevant to DOC health and disease.

Information Requested

NIDCR invites input from researchers in academia and industry; health care professionals; patient advocates and advocacy organizations; scientific and professional societies; federal partners; and other interested members of the public.

Responses to this RFI will be considered by NIDCR leadership and staff, in coordination with the National Advisory Dental and Craniofacial Research Council, in shaping future strategic planning efforts. Respondents are encouraged to provide input on the following topic areas, as they relate to NIDCR's future strategic directions for fiscal years 2027–2031:

1. Dental, Oral, and Craniofacial (DOC) Research

To advance scientific discovery across the research continuum; fostering innovation to prevent disease and promote health; and developing improved diagnostics, treatments, interventions, and cures.

2. Integration of DOC Research, Data, and Care with the Greater Biomedical Enterprise

To optimize integration of DOC research, data, and clinical care with the broader biomedical enterprise, and strengthen cross-disciplinary collaboration, harmonized data systems, and accelerated translation of discoveries into coordinated clinical practice.

3. DOC Research Capacity

To strengthen and sustain a robust, interdisciplinary research workforce; and enhance the infrastructure, tools, and resources needed to support high-quality research.

4. DOC Research Operations

To improve the management and conduct of research through effective stewardship, data-driven decision-making, transparency, and accountability to enhance public trust.

Responses to this RFI are voluntary and may be submitted anonymously. Please do not include any personally identifiable information or any content you would not want made public. Do not include proprietary, classified, confidential, or otherwise sensitive information in your response.

The Government may use any information submitted in response to this RFI at its discretion. This may include posting on public websites, incorporating into reports or summaries of the current state of the science, or using it to inform future solicitations, grants, cooperative agreements, or funding opportunity announcements.

This RFI is intended solely for information gathering and planning purposes. It does not constitute a solicitation for applications or an obligation by the Government to fund or support any ideas submitted. The Government will not reimburse any costs associated with preparing or submitting a response, nor for the use of that information.

Dated: July 10, 2026.

Jennifer Webster-Cyriaque,

Acting Director, National Institute of Dental and Craniofacial Research. National Institutes of Health.

[FR Doc. 2026–14187 Filed 7–14–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Partially Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: August 31, 2026.

Open: 10:00 a.m. to 3:00 p.m.

Agenda: Opening Remarks, Administrative Matters, Director's Report, Presentations, and Other Business of the Council.

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Meeting Format: Virtual Meeting.

Address: National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Kelly Y. Poe, Ph.D., Acting Director, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, 6707 Democracy Blvd., Room 828, Bethesda, MD 20892, (240) 669–5036, *kelly.poe@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NIMHD: *https://www.nimhd.nih.gov/about/advisory-council/,* where an agenda and any additional information for the meeting will be posted when available.

Dated: July 13, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–14242 Filed 7–14–26; 8:45 am]

BILLING CODE 4167–05–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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis; Panel Developmental and Regeneration Biology.

Date: August 6, 2026.

Time: 2:00 p.m. to 4:00 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: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Contracts: Animal Care and Laboratory Support Services to the Vaccine Research Center.

Date: August 10, 2026.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zhuqing Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 669–5068, *zhuqing.li@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Contracts: Lung Health Program.

Date: August 10, 2026.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nawazish Ali Naqvi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7911, *nawazish.naqvi@nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Collaborative Research on Type 1 Diabetes.

Date: August 11, 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: Jolanta M. Topczewska, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Rm 710–E, Bethesda, MD 20892, (301) 867–5309, *jolanta.topczewska@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Early Immune System Development and Ontogeny.

Date: August 11, 2026.

Time: 1:00 p.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: Andrew M. Wolfe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 6214, Bethesda, MD 20892, *andrew.wolfe@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Computational Neuroimaging.

Date: August 11, 2026.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aurea D. De Sousa, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, (301) 827–6829, *aurea.desousa@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in HIV Molecular Virology, Cell Biology, and Drug Development.

Date: August 11, 2026.

Time: 12:00 p.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: Frank S. De Silva, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0000, *fdesilva@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Diabetes, Obesity and Metabolism.

Date: August 12, 2026.

Time: 12:00 p.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: Baskaran Thyagarajan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 800B, Bethesda, MD 20892, (301) 867–5309, *thyagarajanb2@csr.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: July 13, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–14241 Filed 7–14–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0373]

Certificates of Alternative Compliance for the Coast Guard Heartland District

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Coast Guard Heartland District's Prevention Division has issued certificates of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to vessels of special construction or purpose that cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with the vessel's design and construction. We are issuing this notice because its publication is required by statute. This notification of issuance of a certificate of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificates of Alternative Compliance listed in the **SUPPLEMENTARY INFORMATION** section below were issued between February 2026 and June 2026.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Lieutenant Natalie Cordes, Heartland District, Prevention Division, U.S. Coast Guard, telephone 571–608–4791, email *Scott.B.Wingfield@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.[1]

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,[2] and the Chief of the Prevention Division will then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.[3] If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.[4]

The Heartland District has issued COACs to the following vessels from February 2026 and June 2026:

Year	Vessel name	Details
2026	SPACESHIP	This certificate authorized the placement of the vessel's forward masthead light to be positioned centerline at the vessel foc'sle, 36'–8⅜'' above the main deck; and the forward anchor light positioned centerline at the vessel foc'sle, 38'–10⅜'' above the main deck.
2026	LILLY BORDELON	This certificate authorized the placement of the vessel's forward masthead light to be on the forward portion of the helicopter landing deck, positioned 90'–¼'' forward of the vessel's main mast and 52'–5'' above the main deck; the aft masthead light positioned on the main mast, 90'–¼'' aft of the forward masthead light, and 69'–6 ¾'' above the main deck; the sidelights to be on the pilothouse, positioned 3'–3'' from the side of the vessel, and 28'–2 13⁄16'' above the main deck; the stern light to be placed on positioned centerline on the top aft part of the pilothouse, 41'–8 ⅜'' above the main deck.
2026	SATURN	This certificate authorized the placement of the vessel's masthead light to be on the main mast, 10'' aft of midships and 42'–9'' above the hull as defined in the referenced drawing when upright, and 26'–⅞'' when main mast is lowered; the sidelights to be on the pilothouse, positioned 14'–6'' from side of the vessel, and 23'–⅛'' above the hull as defined in the referenced drawing; the stern light to be placed on aft side of the pilothouse, positioned 4'' starboard and 11'–1 13⁄16'' above the hull as defined in the referenced drawing; and the restricted in ability to maneuver and not under command (RAM/NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead light, they may be placed 1' 6'' starboard and 10'' aft of the masthead lights starting at a height of 28'–2 ⅞'' above the hull as defined in the referenced drawing, with vertical spacing between the RAM/NUC lights being 6'–7''.
2026	BARBARA G	This certificate authorized the placement of the vessel's masthead light to be on the main mast, 10'' aft of midships and 42'–9'' above the hull as defined in the referenced drawing when upright, and 26'–⅞'' when main mast is lowered; the sidelights to be on the pilothouse, positioned 14'–6'' from side of the vessel, and 23'–⅛'' above the hull as defined in the referenced drawing; the stern light to be placed on aft side of the pilothouse, positioned 4'' starboard and 11'–1 13⁄16'' above the hull as defined in the referenced drawing; and the restricted in ability to maneuver and not under command (RAM/NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead light, they may be placed 1' 6'' starboard and 10'' aft of the masthead lights starting at a height of 28'–2 ⅞'' above the hull as defined in the referenced drawing, with vertical spacing between the RAM/NUC lights being 6'–7''.
2026	TITAN (Hull 502)	This certificate authorized the placement of the vessel's masthead light to be on the main mast, 10'' aft of midships and 42'–9'' above the hull as defined in the referenced drawing when upright, and 26'–⅞'' when main mast is lowered; the sidelights to be on the pilothouse, positioned 14'–6'' from side of the vessel, and 23'–⅛'' above the hull as defined in the referenced drawing; the stern light to be placed on aft side of the pilothouse, positioned 4'' starboard and 11'–1 13⁄16'' above the hull as defined in the referenced drawing; and the restricted in ability to maneuver and not under command (RAM/NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead light, they may be placed 1' 6'' starboard and 10'' aft of the masthead lights starting at a height of 28'–2 ⅞'' above the hull as defined in the referenced drawing, with vertical spacing between the RAM/NUC lights being 6'–7''.

[1] 33 U.S.C. 1605.

[2] 33 CFR 81.5.

[3] 33 CFR 81.9.

[4] 33 U.S.C. 1605(c) and 33 CFR 81.18.

Year	Vessel name	Details
2026	C HADEN	This certificate authorized the placement of the vessel's masthead light to be on the main mast, 10'' aft of midships and 42'–9'' above the hull as defined in the referenced drawing when upright, and 26'–⅞'' when main mast is lowered; the sidelights to be on the pilothouse, positioned 14'–6'' from side of the vessel, and 23'–⅛'' above the hull as defined in the referenced drawing; the stern light to be placed on aft side of the pilothouse, positioned 4'' starboard and 11'–1 $^{13}/_{16}$'' above the hull as defined in the referenced drawing; and the restricted in ability to maneuver and not under command (RAM/NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead light, they may be placed 1' 6'' starboard and 10'' aft of the masthead lights starting at a height of 28'—2 ⅞'' above the hull as defined in the referenced drawing, with vertical spacing between the RAM/NUC lights being 6'–7''.
2026	TITAN (Hull 493)	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	DEFIANT	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	INTREPID	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	ENDURANCE	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	RESILIENT	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	VALOR	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3 ⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6 ½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.

Year	Vessel name	Details
2026	VANGUARD	This certificate authorized the placement of the vessel's masthead light to be aft centerline on the pilothouse, 40'–3⅛'' above the main deck when upright, and 23'–7'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the pilothouse 14'–6½'' from the side of the vessel and 20'–6 ¼'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'' starboard of centerline; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 18'' starboard and 10'' aft of the masthead lights starting at 25'–9'' above the main deck and vertically spaced at 6'–7''.
2026	LAGUNA GULF	This certificate authorized the placement of the vessel's masthead light to be positioned on the mast above the pilot house at a height of 39'–4 ⅝'' above the hull and when the mast is in the lowered position, a height of 22'–7 ⅛'' above the hull; the sidelights to be on positioned near the pilot house at a height of 12'–5 ⅝'' above the hull and 11'–3 5⁄16'' from the side of the vessel; the stern light to be placed based on the towing vessel being dual direction operation: Ahead Direction: Stern light centered on the pilot house at a height of 22'–7 ⅛'' for pushing ahead operations (e.g., pushing, hauling alongside, and pulling); and Astern Direction: Stern light placed on the mast at a height of 27'–9 ⅝'' for astern operations (e.g., towing); and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 1'–6'' off centerline starting at 25'–5 ⅛'' above the hull and vertically spaced at 6'–7''; and as a result of the Restricted in Ability to Maneuver and Not Under Command light placement, the towing masthead lights required by Rule 24 of the International Regulations for Preventing Collisions at Sea 1972 (COLREGS) and the Inland Navigational Rules contained in 33 CFR Subchapter 83.24 will not be above and clear of all other lights.
2026	BOCA GULF	This certificate authorized the placement of the vessel's masthead light to be positioned on the mast above the pilot house at a height of 39'–4 ⅝'' above the hull and when the mast is in the lowered position, a height of 22'–7 ⅛'' above the hull; the sidelights to be on positioned near the pilot house at a height of 12'–5 ⅝'' above the hull and 11'–3 5⁄16'' from the side of the vessel; the stern light to be placed based on the towing vessel being dual direction operation: Ahead Direction: Stern light centered on the pilot house at a height of 22'–7 ⅛'' for pushing ahead operations (e.g., pushing, hauling alongside, and pulling); and Astern Direction: Stern light placed on the mast at a height of 27'–9 ⅝'' for astern operations (e.g., towing); and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 1'–6'' off centerline starting at 25'–5 ⅛'' above the hull and vertically spaced at 6'–7''; and as a result of the Restricted in Ability to Maneuver and Not Under Command light placement, the towing masthead lights required by Rule 24 of the International Regulations for Preventing Collisions at Sea 1972 (COLREGS) and the Inland Navigational Rules contained in 33 CFR Subchapter 83.24 will not be above and clear of all other lights.
2026	TRICHE CHOUEST	This certificate authorized the placement of the vessel's forward masthead light to be based on the dual direction operation towing vessel: Ahead Direction: located on the forward portion of the elevated pilothouse, positioned 39.63' aft of the vessel's bow and 60.95' above the main deck; Astern Direction: located on the aft portion of the elevated pilothouse, positioned 60.71' forward of the stern of the vessel and 60.95' above the main deck; the aft masthead light positioned on the main mast, 22.28' aft of the forward masthead light in either direction, and 16.40' above the forward masthead light; the sidelights to be on the elevated pilothouse, positioned 3.55' from side of the vessel, and 45.88' above the main deck; the stern light to be placed based on the dual direction operation towing vessel: Ahead Direction: positioned centerline on the aft part of the superstructure, 9' above the main deck; Astern Direction: positioned centerline on the forward part of the superstructure, 9' above the main deck; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed positioned on the main mast starting at a height of 60.95' above the main deck with vertical spacing between the RAM/NUC lights being 6.56'.
2026	CM–ATB2 HULL 742	This certificate authorized the placement of the vessel's forward masthead light to be based on the dual direction operation towing vessel: Ahead Direction: located on the forward portion of the elevated pilothouse, positioned 39.63' aft of the vessel's bow and 60.95' above the main deck; Astern Direction: located on the aft portion of the elevated pilothouse, positioned 60.71' forward of the stern of the vessel and 60.95' above the main deck; the aft masthead light positioned on the main mast, 22.28' aft of the forward masthead light in either direction, and 16.40' above the forward masthead light; the sidelights to be on the elevated pilothouse, positioned 3.55' from side of the vessel, and 45.88' above the main deck; the stern light to be placed based on the dual direction operation towing vessel: Ahead Direction: positioned centerline on the aft part of the superstructure, 9' above the main deck; Astern Direction: positioned centerline on the forward part of the superstructure, 9' above the main deck; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed positioned on the main mast starting at a height of 60.95' above the main deck with vertical spacing between the RAM/NUC lights being 6.56'.

Year	Vessel name	Details
2026	ELIKA	This certificate authorized the placement of the vessel's masthead light to be positioned centerline on the elevated pilothouse, 40'–3 ½'' above the main deck when upright, and 27'–2'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the elevated pilothouse, positioned 13'–2'' from side of the vessel, and 21'–1'' above the main deck; the stern light to be placed on the aft side of the elevated pilothouse, 1'–4'' starboard of centerline, and 6'–9 ½'' aft of amidships; and the restricted in ability to maneuver and not under command (RAM/NUC) lights positioned rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 6'' forward of the masthead lights starting at a height of 28'–9 11/16'' above the main deck with vertical spacing between the RAM/NUC lights being 3'–3 3/8''.
2026	HULL 429–O.N. 1362669	This certificate authorized the placement of the vessel's masthead light to be positioned on the main mast, 42'–4 1/4'' above the main deck; the sidelights to be on the pilothouse, positioned 13'–2'' from side of the vessel, and 23'–1 11/16'' above the main deck; the stern light to be placed on the aft side of the pilothouse, 4'–9 9/16'' aft of the main mast and 24'–5 3/4'' from the main deck; and the restricted in ability to maneuver and not under command (RAM/NUC) lights are positioned rather than placing these lights on the in a vertical line with the masthead lights, they may be placed 1'–7'' aft of the masthead lights starting at a height of 25'–11 3/8'' above the main deck with vertical spacing between the RAM/NUC lights being 6'–6 3/4''.
2026	CM ATB–1 Hull 743	This certificate authorized the placement of the vessel's forward masthead light to be located on the forward portion of the barge, positioned 56' 7 1/16'' aft of the vessel's bow and 14' 4'' above the main deck and the forward anchor light to be located on the forward portion of the barge, positioned 56' 7 1/16'' aft of the vessel's bow and 16' 4'' above the main deck.
2026	CM ATB–2 Hull 744	This certificate authorized the placement of the vessel's forward masthead light to be located on the forward portion of the barge, positioned 56' 7 1/16'' aft of the vessel's bow and 14' 4'' above the main deck and the forward anchor light to be located on the forward portion of the barge, positioned 56' 7 1/16'' aft of the vessel's bow and 16' 4'' above the main deck.
2026	ADDISYN	This certificate authorized the placement of the vessel's masthead light to be positioned centerline on the elevated pilothouse, 40'–3 ½'' above the main deck when upright, and 27'–2'' above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; the sidelights to be on the elevated pilothouse, positioned 13'–2'' from side of the vessel, and 21'–1'' above the main deck; the stern light to be placed on the aft side of the elevated pilothouse, 1'–4'' starboard of centerline, and 6'–9 ½'' aft of amidships; and the restricted in ability to maneuver and not under command (RAM/NUC) lights positioned rather than these lights on the centerline in a vertical line with the masthead lights, they may be placed 6'' forward of the masthead lights starting at a height of 28'–9 11/16'' above the main deck with vertical spacing between the RAM/NUC lights being 3'–3 3/8''.
2026	MR001 O.N. 1364092	This certificate authorized the placement of the vessel's stern light to be placed on the starboard of centerline 4.278m, 0.5m from the stern and 1.20m from the main deck; and the restricted in ability to maneuver and not under command (RAM/NUC) lights positioned 1m from centerline on either side of the main mast starting at a height of 5.4m above the main deck with vertical spacing between the RAM/NUC lights being 2m.

The Chief of Prevention Division of the Heartland District, U.S. Coast Guard, certifies that the vessels listed above are of special construction or purpose, and are unable to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel. The Chief of Prevention Division further finds and certifies that the listed vessels are in the closest possible compliance with the applicable provisions of the 72 COLREGS.[5]

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

[5] 33 U.S.C. 1605(a); 33 CFR 81.9.

Dated: July 10, 2026.

J.B. Wheeler,

Captain, U.S. Coast Guard, Chief of Prevention, Coast Guard Heartland District.

[FR Doc. 2026–14206 Filed 7–14–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7321; NPS–WASO–NAGPRA–NPS0043220; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Northern Colorado, Greeley, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Northern Colorado (UNC) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Andrew Creekmore, University of Northern Colorado, Department of Anthropology, 501 20th Street, Campus Box 90,

Greeley, CO 80639, email *andrew.creekmore@unco.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 UNC 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 34 cultural items have been requested for repatriation.

The three unassociated funerary objects are ceramic pots. UNC catalogue number 1967.01.0095 is a Pueblo IV period ''glaze ware'' bowl with an early 1900s tag that states: ''Cliff Dwellers Pottery from burial mound Pajarita Canon New Mexico -R.W. Bullock.'' The pot was donated to UNC by R. Ernesti and E. L. Hewett in the early 20th century. The form, style, decoration, and object tag indicate that this pot is affiliated with Ancestral Puebloans. A non-destructive ed-XRF test confirmed the presence of lead, apparently within the glazed design. UNC catalogue number 1967.07.0045 is a 20.5cm diameter, 8.5cm tall biscuit ware bowl of Pueblo IV date from the Northern Rio Grand area, acquired by UNC before 1967. The form, style, decoration, and object tag indicate that this pot is affiliated with Ancestral Puebloans. UNC catalogue number 1967.03.0002 is a 15cm diameter, 9cm tall bowl with pinch lug handles at the rim, missing its base, acquired by UNC before 1967. The form, style, decoration, and object tag indicate that this pot is affiliated with Ancestral Puebloans.

The 28 objects of cultural patrimony are ceramic pots produced in the late 19th or early 20th Century and acquired by UNC between 1896–1967, largely through donations by R. Ernesti and/or E.L. Hewitt. They include a wide variety of sizes, forms, and surface treatments ranging from none to slipped, painted, and impressed. These comprise UNC Catalogue numbers 1967.01.0001; –.0003; –0008;–0009; –0010; –0011; –0035; –0039; –0040; –0050; –0056; –0058A/B; –0059; –0063; –0072A/B; –0083; –0094; –0098; –0099; –0103; –0105; –0107; –0108; 1967.02.0022; –0023; 1967.05.0006; 1967.08.0012; 1967.08.0014. A non-destructive ed-XRF test confirmed the presence of lead, likely in small amounts, in the repaired section of 1967.01.0103. The form, style, decoration, and/or object tags indicate that these pots are affiliated with Pueblo communities of the northern Rio Grande, particularly Pueblo de San Ildefonso.

The three sacred objects/objects of cultural patrimony are ceramic pots. UNC catalogue #1967.07.0036 is a brown micaceous ware gourd-shaped jar donated to UNC by Edgar L. Hewett and R. Ernesti before 1910. The form indicates that this pot is affiliated with Pueblo communities of the northern Rio Grande. UNC catalogue number 1967.01.0079 is a 21cm diameter, 12.5cm tall, terraced water bowl with painted designs, acquired in northern New Mexico, and donated to UNC by Edgar L. Hewett and R. Ernesti before 1906. UNC catalogue number 1967.05.0002 is a 35.5cm diameter, 16cm tall, terraced water bowl with painted designs, acquired in northern New Mexico, and donated to UNC by Edgar L. Hewett in 1896. The form, style, decoration, or object tags indicate that pots 1967.01.0079 and 1967.05.0002 are affiliated with Pueblo communities of the northern Rio Grande, particularly Pueblo de San Ildefonso.

Determinations

The UNC has determined that:

- The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The 28 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.
- The three sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Pueblo of San Ildefonso, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, the UNC 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 UNC 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14183 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7333; NPS–WASO–NAGPRA–NPS0043222; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Franklin Pierce University, Rindge, NH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Franklin Pierce University 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to A. Joseph Sarcinella, Drummond Woodsum, 84 Marginal Way, Suite 600, Portland, ME 04101 email *asarcinella@dwmlaw.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 Franklin Pierce University, 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 items have been requested for repatriation. The unassociated funerary object is a Pottery Pipe Fragment (Troy, Rensselaer County, New York).

Determinations

The Franklin Pierce University has determined that:

- The one 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 item described in this notice and the Stockbridge Munsee Community, Wisconsin.

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 August 14, 2026. If competing requests for repatriation are received, the Franklin Pierce University 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 Franklin Pierce University 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14185 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7316; NPS–WASO–NAGPRA–NPS0043214; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Denver Museum of Nature & Science (DMNS) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Michele Koons, Director of Anthropology, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, email *Michele.Koons@dmns.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 DMNS, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are one pipe bowl (AN–2001–146.11A) and one pipe stem (AN–2001–146.1B). The pipe bowl and stem originally belonged to Anderson White Eagle, a Medicine Man of the Northern Arapaho Tribe. The pipe was given to Dr. Barrett P. Tyler, who was an Episcopal minster at St. Michael's Mission on the Wind River Reservation in Ethene, WY, between 1932 and 1936. Tyler's son, John L. Tyler, donated the pipe to DMNS in 2001.

Determinations

The DMNS has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

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 August 14, 2026. If competing requests for repatriation are received, the DMNS 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 DMNS 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14172 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7299; NPS–WASO–NAGPRA–NPS0043196; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bernice Pauahi Bishop Museum (BPBM) 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jill Sommer, NAGPRA Coordinator, Bernice Pauahi Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, email *BM.NAGPRA@bishopmuseum.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 BPBM 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 approximately 687 cultural items, identified collectively as ''Lots 10–83 (with additional pieces)'' or ''Lots 10–83+'', have been requested for repatriation. The approximately 687 unassociated funerary objects are predominantly kapa samples, but also include canoe fragments, pandanus mat fragments, additional mat fragments, wooden fire sticks, bundles, lauhala, cordage and fiber supports, wood fragments, netting samples, and a beaded necklace with dog tooth. These items represent multiple acquisitions, between approximately 1905 and 1985, originating from the Honoko'a Gulch Cave Complex (also known as the Kawaihae, Forbes, and Mummy Caves), Hawai'i Island. Based on BPBM accession records, approximately 646 pieces of kapa samples, bundles, and fragments are attributed to Forbes Cave (approximately 16%), Mummy Cave (approximately 6%), Kukui o Umi Cave (approximately 38%), and mixed cave contexts (approximately 40%). Historical accounts and physical evidence, among other information, indicate that the kapa, cordage, mats, canoe fragments, and related cultural materials removed from the Honoko'a Gulch Cave Complex were used as part of traditional Native Hawaiian burial practices.

Determinations

The BPBM has determined that:

- The 687 unassociated funerary objects described in this notice are reasonably believed to have been placed with or near human remains at the time of death or later as part of the death rite or ceremony of a Native American culture. 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 Mary Kawena Pukui Cultural Preservation Society; the 'Ohana Diamond; the 'Ohana Kekumano; the 'Ohana Keohokālole; the 'Ohana Olds; and the Temple of Lono.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, the BPBM 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 BPBM is responsible for sending a copy of this notice to the Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14162 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7332; NPS–WASO–NAGPRA–NPS0043221; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Franklin Pierce University, Rindge, NH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Franklin Pierce University 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to A. Joseph Sarcinella, Drummond Woodsum, 84 Marginal Way, Suite 600, Portland, ME 04101 email *asarcinella@dwmlaw.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 Franklin Pierce University, 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 19 cultural items have been requested for repatriation. The 19 unassociated funerary objects are unknown items from grave, lithics (Unknown Arkansas).

Determinations

The Franklin Pierce University has determined that:

- The 19 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 Osage Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, the Franklin Pierce University 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 Franklin Pierce University 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14184 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7319; NPS–WASO–NAGPRA–NPS0043218; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains (hereinafter referred to as ''Ancestral remains'' or ''Ancestor'') and has determined that there is a cultural affiliation between the Ancestral remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the Ancestral remains in this notice may occur on or after August 14, 2026.

ADDRESSES: Send written requests for repatriation of the Ancestral remains in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, email *bsecunda@umich.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 Michigan, 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

Ancestral remains representing, at least, one individual have been identified. No associated funerary objects are present. In September of 1934, the Ancestor was removed from an unspecified location about 40 miles NE of Shishmaref Alaska, and a few hundred yards from the beach. Mr. C.T. Stenson donated the Ancestral remains to the U–M Museum of Anthropological Archaeology (UMMAA) in June of 1938. The Ancestor is an adult 30+ years possible male. No time period can be determined.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of the Ancestral remains with pesticides, preservatives, or other substances that represent a potential hazard to the collection or to persons handling the collection.

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 Ancestral remains described in this notice.

Determinations

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the Ancestral remains described in this notice and the Native Village of Shishmaref.

Requests for Repatriation

Written requests for repatriation of the Ancestral 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 Ancestral remains described in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains are considered a single request and not competing requests. The University of Michigan 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14181 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7302; NPS–WASO–NAGPRA–NPS0043199; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Knoxville, Department of Anthropology (UTK) 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email *nagpra@utk.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 UTK, 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, 12 individuals have been identified. The two associated funerary objects are two lots of uncatalogued cultural materials. These individuals were removed from two locations in Cedar County, NE.

Human remains representing, at least, four individuals have been identified. The one associated funerary object is one lot of uncatalogued cultural materials. These individuals were removed from a location in Dixon County, NE.

UTK has no record of these human remains or objects being treated with potentially hazardous substances.

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

UTK has determined that:

- The human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- The three 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 Pawnee Nation of Oklahoma and the Ponca Tribe of Nebraska.

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 August 14, 2026. If competing requests for repatriation are received, UTK 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. UTK 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14171 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7334; NPS–WASO–NAGPRA–NPS0043223; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Franklin Pierce University, Rindge, NH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Franklin Pierce University 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to A. Joseph Sarcinella, Drummond Woodsum, 84 Marginal Way, Suite 600, Portland, ME 04101 email *asarcinella@dwmlaw.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 Franklin Pierce University, 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 unassociated funerary object is Conch Shell Wampum (Bergen County, New Jersey).

Determinations

The Franklin Pierce University has determined that:

- The one 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 item described in this notice and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

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 August 14, 2026. If competing requests for repatriation are received, the Franklin Pierce University 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 Franklin Pierce University 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14186 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7311; NPS–WASO–NAGPRA–NPS0043209; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email *friea@uwosh.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 UWO, 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, 34 individuals have been reasonably identified and were removed from the Furman Site (47–WN–0216), Winnebago County, WI. The site was investigated by Richard Peske in 1965 and 1966. Peske was an Anthropology graduate student at the University of Wisconsin-Madison and an Instructor of Anthropology at Wisconsin State College-Oshkosh (now University of Wisconsin Oshkosh [UWO]) from 1965 to 1966. Additionally, the late Richard (Dick) and Carol Mason, acting as avocational archaeologists, had a private collection from this site that was donated to UWO in 2018. The 114 associated funerary objects are two lots of bird bones; 10 lots of bivalve shells; two lots of bone artifacts; one lot bone awl; three lots of lithic debitage; one lot elk antler; eight lots of faunal remains; three lots of fish bones; one lot of floral remains; one missing lithic knife; two lots of large mammal antlers; one lot of large mammal bones and teeth; nine lots of lithics; two lots of soil matrix; one lot of medium mammal bones; four lots of medium/large mammal bones; one post-contact button; three lots of post-contact ceramics; one lot of post-contact metal; 11 lots of pre-contact ceramics; two lots of pre-contact metal; one lithic preform; five lots of projectile points; one lot missing of projectile points; one reconstructed shell-tempered pot; one lot of missing shell beads; 19 lots of shell-tempered pot sherds; one lot of missing shell-tempered pot sherds; one lot of small canid bones; three lots of small mammal bones; one lot of small mammal teeth; two lots of snail shells; one lot of textiles; one lot of unidentified groundstone objects; six lots of unidentified mammal bones; and one lot of unidentified mammal teeth. No known individuals were identified. UWO has no knowledge or record of any potentially hazardous substances 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 reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of 34 individuals of Native American ancestry.
- The 114 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 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen

Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

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 August 14, 2026. If competing requests for repatriation are received, UWO 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. UWO 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14168 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7320; NPS–WASO–NAGPRA–NPS0043219; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to June Carpenter, Field Museum, 1400 S. Lake Shore Drive, Chicago, IL 60605, email *jcarpenter@fieldmuseum.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 Field 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 175 cultural items have been requested for repatriation. The 175 sacred objects/objects of cultural patrimony include adzes, aprons, arrows, basketry, bone and antler purses, bone implements, bows, caps, ceremonial spears, a deerskin shawl, a fire kit, glue and paint pots, grease pans, harpoon heads, head ornaments/headdresses, a head pad, a headrest, a loom, mallets, mats, a meal brush, a mortar, a necklace, needles, a netted pouch, a pack strap, a pestle, photographs, pipes, projectile points, shell implements, skirts, spoons, stick games, a stool, trenchers, twine, an antler wedge, wood implements, a woodpecker's head, and worked stones. Field Museum staff cannot locate nine of the above items, but will continue to look.

In 1900, Curator George A. Dorsey collected 34 of the items from Humboldt and Siskiyou Counties in California. In 1903 and 1904, Dr. John W. Hudson collected 118 of the items in Humboldt and Siskiyou Counties, and along the lower Klamath River, in California. In 1916 and 1918, Trustee Edward E. Ayer gifted collections from California to the Museum, including three of the above items. In the early 1920s, the Museum received 15 of the baskets from collector Homer E. Sargent. The baskets were from Humboldt and del Norte Counties, and along the lower Klamath River, in California. In 1923, the Museum received two of the items from Watson F. Blair, which were collected by Ayer in Humboldt County, California. In 1937, Sargent donated one additional basket from California. Finally, curator Rene d'Harnoncourt gifted two caps

from California to the Museum in 1967. All items were described as Yurok by the collectors. A total of 57 of the items were tested for arsenic over 20 years ago, with three items testing positive at that time.

Determinations

The Field Museum has determined that:

- The 175 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Pulikla Tribe of Yurok People (previously listed as Resighini 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 August 14, 2026. If competing requests for repatriation are received, the Field 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 Field 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14182 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7317; NPS–WASO–NAGPRA–NPS0043215; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Indiana 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Jayne-Leigh Thomas, Executive Director, Office of the Native American Graves Protection and Repatriation Act, Indiana University, Student Building 318, 701 E. Kirkwood Avenue, Bloomington, IN 47405, email *thomajay@iu.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 Indiana 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 31 individuals have been identified. The one lot of associated funerary objects are faunal bones. The 31 individuals and funerary objects were recovered from the Major Site (15He2/5), a multicomponent site on the Kentucky side of the Ohio River near the Henderson/Evansville Bridge. The collection was donated to IU in 1956 from Dr. Francis Demmington Smith.

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

Indiana University has determined that:

- The human remains described in this notice represent the physical remains of 31 individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Quapaw Nation; Shawnee Tribe; The Osage Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, Indiana 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. Indiana 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14179 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7303; NPS–WASO–NAGPRA–NPS0043200; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Knoxville, Department of Anthropology (UTK) 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email *nagpra@utk.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 UTK, 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 one associated funerary object is one lot of uncatalogued cultural materials. This individual was removed from a location in Dakota County, NE.

Human remains representing, at least, one individual have been identified. The one associated funerary object is one lot of uncatalogued cultural materials. This individual was removed from a location in Nance County, NE.

Human remains representing, at least, one individual have been identified. The one associated funerary object is one lot of uncatalogued cultural materials. This individual was removed from a location in Sarpy County, NE.

Human remains representing, at least, one individual have been identified. The one associated funerary object is one lot of uncatalogued cultural materials. This individual was removed from a location in Scotts Bluff County, NE.

UTK has no record of these human remains or objects being treated with potentially hazardous substances.

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

UTK has determined that:

- The human remains described in this notice represent the physical remains of four 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 Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, UTK 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. UTK 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14173 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7308; NPS–WASO–NAGPRA–NPS0043207; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Skidmore College, Saratoga Springs, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Skidmore College 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Siobhan Hart, Skidmore College, 815 North Broadway, Saratoga Springs, NY 12866, email *shart1@skidmore.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 Skidmore College, 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, five individuals have been identified. The 24 associated funerary objects are ceramic sherds, faunal remains, lithic materials, metal axe, shell, glass beads, wampum, red slate pendant, copper awl, ceramic vessel, beads, ceramic figurine with face, and floral remains.

Between 1920–1970, human remains of, at minimum, two individuals and four associated funerary objects including one lot ceramic sherds, one lot faunal remains, one lot lithic materials, and one lot metal axe were removed from Winney's Island, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). The site is located within the Winney's Rift burial landscape/complex. Follett donated most of his collection to Skidmore College in 1978. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

Between 1984–1986, human remains of, at minimum, two individuals and six associated funerary objects including one lot faunal remains, one lot ceramic sherds, one lot lithic materials, one lot shell, one lot glass beads, and one lot wampum were removed from Winney's Rift South, Town of Saratoga, Saratoga County, New York, by an archaeological field school directed by Dr. Susan Bender (Skidmore College) and Dr. Hetty Jo Brumbach (Rensselaer Polytechnic Institute). The investigation included the area avocational archaeologist Mr. Louis Follett identified as ''Lewandowski South'' and Winney's Island. The site is located within the Winney's Rift burial landscape/complex. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

Between 1920–1970, two associated funerary objects including one red slate pendant and one copper awl were removed from Winney's Rift/Grangerville, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). The site is located within the Winney's Rift burial landscape/complex. Follett donated most of his collection to Skidmore College in 1978. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

Between 1920–1970, one associated funerary object, an intact ceramic vessel, was removed from an unknown site, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). Follett donated most of his collection to Skidmore College in 1978. Based on ceramic type, they date to the Woodland Period to 17th century.

Between 1920–1970, four associated funerary objects including one lot beads, one lot lithics, one lot ceramics, and one lot faunal remains were removed from Lewandowski Property North, Winney's Rift, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). The site is located within the Winney's Rift burial landscape/complex. Follett donated most of his collection to Skidmore College in 1978. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

Between 1920–1970, two associated funerary objects including one lot lithics and one lot ceramics were removed from Lewandowski Property South, Winney's Rift, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). The site is located within the Winney's Rift burial landscape/complex. Follett donated most of his collection to Skidmore College in 1978. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

Between 1920–1970, one associated funerary object, a ceramic figurine with face, was removed from T.K. Bullard Farm South, Winney's Rift, Town of Saratoga, Saratoga County, New York, by avocational archaeologist Mr. Louis Follett (1901–1991). The site is located within the Winney's Rift burial landscape/complex. Follett donated most of his collection to Skidmore College in 1978. Based on artifact types and archaeological context, they date to the Woodland Period to 17th century.

In 1981, human remains of one individual (a human tooth) and four associated funerary objects including hematite and faunal remains (a canine burial) were removed from the Abele Site (also known as Dennis Site, Try 5, or Troy 5), Village of Menands, Albany County, New York, by the State University of New York (SUNY) Albany Archaeological Field School directed by Dr. Dean Snow and transferred to Skidmore College at an unknown date. A human burial and four associated funerary objects including one lot lithics, one lot ceramics, one lot faunal remains, and one lot floral remains were removed from the Abele Site by the SUNY Albany field school in 1982 and transferred to Skidmore College at an unknown date. The human remains were transferred from Skidmore College to the New York State Museum (NYSM) around 2004 without the associated funerary objects. Based on the archaeological context, they date to the Woodland Period. No hazardous materials are known, though field records indicate that the canine remains were treated with glue.

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

Skidmore College has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 24 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 August 14, 2026. If competing requests for repatriation are received, Skidmore College 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. Skidmore College 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14166 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7328; NPS–WASO–NAGPRA–NPS0043217; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Basin Region, Salt Lake City, UT

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 Reclamation, Upper Colorado Basin Region (Reclamation) intends to carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after August 14, 2026. If no claim for disposition is received by July 15, 2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and associated funerary objects in this notice to Zachary Nelson, U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Basin Region, 125 South State Street, Room 8100, Salt Lake City, UT 84138, email *znelson@usbr.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 Reclamation, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one lot of associated funerary objects include at least one lot of ceramics. The human remains and associated funerary objects were recovered as inadvertent finds near Navajo Reservoir in Colorado. Site 5AA.1270 with a 2026 discovery in Archuleta County, CO is represented by at least one individual and one lot of ceramics.

Determinations

Reclamation has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The one lot of objects described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe; Ysleta del Sur Pueblo; and the Zuni Tribe of the Zuni Reservation, New Mexico, have priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by July 15, 2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after August 14, 2026. If competing claims for disposition are received, Reclamation must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains and associated funerary objects are considered a single claim and not competing claims. Reclamation is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14180 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7307; NPS–WASO–NAGPRA–NPS0043204; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a known lineal descendant.

DATES: Repatriation of the cultural item in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor. University of California, Berkeley, 200 California Hall,

Berkeley, CA 94720, email *nagpra-ucb@berkeley.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley, and additional information on the determinations in this notice, including the results of consultation, can be found in 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 is an eagle feather headdress previously owned and worn by Chief Jim Badroads. In December 1982, Mr. and Mrs. Harold H. Ashton donated a headdress to the Phoebe A. Hearst Museum of Anthropology. Museum records indicate the item was acquired prior to 1936 by ''a friend of the donor.'' The provenance of the item is incomplete; the accession file contains no information regarding the transfer of ownership from Chief Badroads or the conditions under which it was acquired.

Collections and collection spaces at the Phoebe A Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Determinations

The University of California, Berkeley has determined that:

- The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The Badroads family are connected to the cultural item described in this notice.

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 August 14, 2026. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to all requestors and 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14177 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7304; NPS–WASO–NAGPRA–NPS0043201; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) 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 August 14, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.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 PMAE, 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

The one associated funerary object is one lot of a stone item from near Moundville, Carthage, Hale County, AL, collected by O.T. Prince around 1860. Frederick E. Hyde, Jr. and Charles Pickering Bowditch acquired the funerary item at an unknown date and donated it to the PMAE in 1896.

The one associated funerary object is one lot of a ground stone item acquired from a mound in Alabama at an unknown date by an unknown person. N.T. Lupton donated the funerary item to the PMAE in 1877.

The one associated funerary object is one lot of faunal remains from a ''Burial site at Moundville,'' Hale and Tuscaloosa Counties, AL. The funerary item was collected by an unknown person and donated to the Museum of Comparative Zoology, Harvard University, in 1933 by the Alabama Museum via Winifred McGlamery, and transferred to the PMAE in 2025.

The presence of any potentially hazardous substances used to treat any of the associated funerary objects is unknown.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The three 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 Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Seminole Tribe of Florida; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of

Oklahoma; and the Thlopthlocco Tribal Town.

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 a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, the PMAE 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 PMAE 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14174 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7309; NPS–WASO–NAGPRA–NPS0043208; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Skidmore College, Saratoga Springs, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Skidmore College 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Siobhan Hart, Skidmore College, Department of Anthropology, 815 North Broadway, Saratoga Springs, NY 12866, email *shart1@skidmore.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 Skidmore College, 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 unassociated funerary objects are one gorget, one lot ochre, one lot bone, and one copper pendant.

The gorget was recovered from Old Linus Barber Farm on Fish Creek in the Town and County of Saratoga, New York. It was collected by avocational archaeologist Louis Follett (1901–1991) who donated most of his collection to Skidmore College in 1978.

The lots of ochre and bone come from the Stewart Site in the Town of Easton, Washington County, New York. The site was collected by William (Bill) Butz and subsequently investigated by Skidmore College from 1991–1993.

The copper pendant was collected by William (Bill) Butz in the Town of Easton, Washington County, New York, and donated to Skidmore College around 1992.

Determinations

Skidmore College has determined that:

- The four unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, Skidmore College 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. Skidmore College 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14167 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7312; NPS–WASO–NAGPRA–NPS0043210; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Placer County Museums Division, Auburn, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Placer County Museums Division 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Bryanna Ryan, Placer County Museums Division, 101 Maple Street, Auburn, CA 95603, email *BRyan@placer.ca.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 Placer County Museums Division, 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 set of stringed beads that may have been used as burial beads (Object Number 1948.10.1). The object was acquired by the Placer County Museums Division by donation in 1948. Information about how the donor, Alice Ainsworth, acquired the objects is unknown. The item of cultural patrimony is culturally affiliated with the Southern Maidu (Nisenan) and originated within their aboriginal territory in the vicinity of Placer County. The object has not been exposed to any potentially hazardous substances while in the possession of the Placer County Museums Division. There is no visible evidence of prior treatment and no information indicating prior treatment.

Determinations

The Placer County Museums Division 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 United Auburn Indian Community of the Auburn Rancheria of California.

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 August 14, 2026. If competing requests for repatriation are received, the Placer County Museums Division 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 Placer County Museums Division 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14169 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7306; NPS–WASO–NAGPRA–NPS0043203; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Diego State University (SDSU) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jaime Lennox, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182, email *jlennox@sdsu.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 SDSU, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two lots of cultural items (representing approximately 250+ cultural items) have been requested for repatriation. The two lots of objects of cultural patrimony are one lot of lithics and one lot of ground stone. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–4775 (W–3968) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0014 (CMP–SDSU–0014) at an unknown date, likely prior to 2000. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of five lots of cultural items (representing approximately 100+ cultural items) have been requested for repatriation. The five lots of objects of cultural patrimony are one lot of non-human faunal, one lot of post-contact items, one lot of ground stone, one lot of lithics, and one lot of shell. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–4958 (W–1323; Bayfront Arch; Gunpowder Point) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0031 (CMP–SDSU–0031) at an unknown date prior to 2010. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of two lots of cultural items (representing approximately 30+ cultural items) have been requested for repatriation. The two lots of objects of cultural patrimony are one lot of non-human faunal and one lot of lithics. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–4897 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0060 (CMP–SDSU–0060) at an unknown date prior

to 2012. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of five lots of cultural items (representing approximately 5000+ cultural items) have been requested for repatriation. The five lots of objects of cultural patrimony are one lot of non-human faunal, one lot of post-contact items, one lot of shell, one lot of lithics, and one lot of ground stone. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI- 9258 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0061 (CMP–SDSU–0061) at an unknown date prior to 1997. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of two lots of cultural items (representing approximately four cultural items) have been requested for repatriation. The two lots of objects of cultural patrimony are one lot of fire affected rock and one lot of lithics. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–4524 (W–644; CAL# F:5:29; Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0065 (CMP–SDSU–0065) at an unknown date prior to 2012. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of eight lots of cultural items (representing approximately 6,000+ cultural items) have been requested for repatriation. The eight lots of sacred objects/objects of cultural patrimony are one lot of lithics, one lot of ground stone, one lot of historic items, one lot of ceramics, one lot of soil samples, one lot of non-human faunal, one lot of charcoal, and one lot of shell. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–4527 (W–640; CAL# F:5:31; Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0066 (CMP–SDSU–0066) at an unknown date prior to 2000. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of one lot of cultural items (representing approximately 400+ cultural items) has been requested for repatriation. The one lot of objects of cultural patrimony are one lot of lithics. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–6957 located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0068 (CMP–SDSU–0068) at an unknown date prior to 2010. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of three lots of cultural items (representing approximately 150+ cultural items) have been requested for repatriation. The three lots of sacred objects/objects of cultural patrimony are one lot of lithics, one lot of post-contact items, and one lot of ground stone. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–7084 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0075 (CMP–SDSU–0075) at an unknown date prior to 1998. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of five lots of cultural items (representing approximately 8,000+ cultural items) have been requested for repatriation. The five lots of sacred objects/objects of cultural patrimony are one lot of lithics, one lot of ground stone, one lot of post-contact items, one lot of non-human faunal, and one lot of ceramics. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–7951 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0076 (CMP–SDSU–0076) at an unknown date prior to 1998. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of one lot of cultural items (representing approximately three cultural items) has been requested for repatriation. The one lot of objects of cultural patrimony are one lot of lithics. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–9156 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0076 (CMP–SDSU–0076) at an unknown date prior to 2001. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of three lots of cultural items (representing approximately 900+ cultural items) have been requested for repatriation. The three lots of sacred objects/objects of cultural patrimony are one lot of lithics, one lot of post-contact items, and one lot of non-human faunal. At an unknown date by unknown individuals, cultural items were removed from site CA–SDI–9153 (Southwest Powerlink) located in San Diego County, CA; SDSU subsequently received the collection and assigned accession number SDSU–0081 (CMP–SDSU–0081) at an unknown date prior to 1997. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

A total of one lot of cultural items (representing approximately five+ cultural items) has been requested for repatriation. The one lot of objects of cultural patrimony are one lot of lithics. In 1971, cultural items were removed by individuals Mike Polk, Mark Rydinski, and Ann Polk from an unnumbered/unnamed site in Carrizo Canyon, located in San Diego County, CA. SDSU subsequently received the collection in 1971 and assigned accession number 1971–18; the collection was later assigned accession number SDSU–0084 (CMP–SDSU–0084) in 1993. It is unknown whether any potentially hazardous substances were used to treat the cultural items.

Determinations

SDSU has determined that:

- The 19 lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- The 19 lots sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas

Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians (previously listed as Ewiiaapaayp Band of Kumeyaay Indians, California); Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 14, 2026. If competing requests for repatriation are received, SDSU 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. SDSU 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14176 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7301; NPS–WASO–NAGPRA–NPS0043198; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ball State University 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email *NAGPRA@bsu.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 Ball State University 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 bandolier bag. The bandolier bag (catalog number 2018.051.006) is described as a Potawatomi Bandolier Bag. The cultural item was donated to the institution by a private donor in 2018, who acquired the item at an unknown date and location. Ball State University has no records indicating the item was treated with hazardous substances, however, XRF testing of the item was positive for potentially hazardous substances.

Determinations

The Ball State University 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 Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Nottawaseppi Huron Band of the Potawatomi, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Prairie Band of Potawatomi Nation.

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 August 14, 2026. If competing requests for repatriation are received, the Ball State University 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 Ball State University 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14164 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7305; NPS–WASO–NAGPRA–NPS0043202; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Museum of Art, Rhode Island School of Design, Providence, RI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Art, Rhode Island School of Design 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 August 14, 2026.

ADDRESSES: Send additional written requests for repatriation of the cultural items in this notice to Joe Leduc, Museum of Art, Rhode Island School of Design, 20 North Main Street, Providence, RI 02903, email *jleduc@risd.edu,* or María Fernanda Mancera, Museum of Art, Rhode Island School of Design, 20 North Main Street, Providence, RI 02903, email *mmancera@risd.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 Museum of Art, Rhode Island School of Design, 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 six cultural items have been requested for repatriation. The six objects of cultural patrimony are cataloged as coiled or conical cooking baskets featuring geometric or patterned designs against undyed or natural ground. Two of the cultural items entered the RISD Museum's collection in 1920 as gifts from Mary A. Newell; two were given by Mrs. Kenneth F. Wood in 1943; and two were anonymously gifted to the museum in 1997. All were identified as being of Tulare or Yokut origin. There is no known presence of potentially hazardous substances in the six objects of cultural patrimony.

Determinations

The RISD Museum has determined that:

- The six 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 Tule River Indian Tribe of the Tule River Reservation, California.

Requests for Repatriation

Additional written requests for repatriation of the cultural items referenced in this notice must be sent to the authorized representative identified 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 requester 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 August 14, 2026. If competing requests for repatriation are received, the Rhode Island School of Design, Museum, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of cultural items are considered a single request rather than competing requests. The Rhode Island School of Design, 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14175 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7300; NPS–WASO–NAGPRA–NPS0043197; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California Department of Forestry and Fire Protection, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Forestry and Fire Protection (CAL FIRE) 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Helen Lopez, California Department of Forestry and Fire Protection, 715 P Street, Sacramento, CA 95814, email *helen.lopez@fire.ca.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 California Department of Forestry and Fire Protection, 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 at least 3,258 cultural items have been requested for repatriation. The 3,258 unassociated funerary objects are comprised of projectile points, bifaces, faunal remains, debitage, fire affected rock, mortars, pestles, manos, cores, and other stone tools. These cultural items were collected by the California Department of Forestry and Fire Protection during archaeological surveys and site investigations for projects during the 1980s and 1990s. The 3,258 cultural items originate from 31 sites located in Alpine, Amador, El Dorado, Nevada, Placer, and Sierra Counties, California: CA–ALP–235, CA–ALP–258, CA–AMA–203, CA–ELD–330,

CA–ELD–336, CA–ELD–410, CA–ELD–526, CA–NEV–318, CA–NEV–426, CA–NEV–581, CA–PLA–417, CA–PLA–418, CA–PLA–5, CA–PLA–504, CA–PLA–517, CA–PLA–518, CA–PLA–588, CA–PLA–689, CA–PLA–706, CA–SIE–355, CA–SIE–378, CA–SIE–391, CA–SIE–395, CA–SIE–396, CA–SIE–397, CA–SIE–399, and CA–SIE–680. Isolated finds also originate from Amador, Placer, and Sierra Counties: CA–AMA–97–121, CA–PLA–ISO, CA–PLA–ISO #1, and CA–SIE–THP 2–91–301. Collections were treated with substances for labeling and identification and are unlikely to be potentially hazardous.

Determinations

The California Department of Forestry and Fire Protection has determined that:

- The 3,258 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 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches).

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 August 14, 2026. If competing requests for repatriation are received, the California Department of Forestry and Fire Protection 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 California Department of Forestry and Fire Protection 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14163 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7315; NPS–WASO–NAGPRA–NPS0043213; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Los Rios Community College District, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Los Rios Community College District (LRCCD) 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 August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jamey Nye, Los Rios Community College District, 1919 Spanos Ct, Arden-Arcade, CA 95825, email *nagpra@losrios.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 LRCCD, 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 a 'gaming stone' groundstone object removed from the Sudden Site (CA–SBA–210), Santa Barbara County, CA. The item was removed by Jeremiah B. Lillard, the first president of Sacramento Junior College, now Sacramento City College, in 1936 and later moved to American River College.

Determinations

LRCCD has determined that:

- The one unassociated funerary object 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 item 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 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 August 14, 2026. If competing requests for repatriation are received, LRCCD 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. LRCCD 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14170 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7310; NPS–WASO–NAGPRA–NPS0043205; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor. University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email *nagpra-ucb@berkeley.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

In 1946, the University of California Museum of Anthropology (today the Phoebe A Hearst Museum of Anthropology) accessioned one sacred belonging which had been removed from a cave in a canyon of Mission Creek, San Bernardino County, California around 1915 by Laura Adams Armer. The sacred belonging is an olla.

At a time between 1885 and 1908, Edwin Lincoln McLeod, obtained one sacred belonging from Coyote Hole, San Bernardino County, California. Following the purchase of the McLeod Memorial Collection by Phoebe A. Hearst in 1916, the sacred belonging, a basket, was accessioned into the University of California Museum of Anthropology that same year.

In 1945, Grace Blair De Pue bequeathed nearly 3,000 cultural belongings to the University of California, Berkeley. Included in this accession is one object of cultural patrimony from Yuhaaviatam of San Manuel Nation. The one object of cultural patrimony is a basket.

Collections and collection spaces at the Phoebe A. Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Determinations

The University of California, Berkeley has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The one object 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 reasonable connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, 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 August 14, 2026. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and 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: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14165 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7318; NPS–WASO–NAGPRA–NPS0043216; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Land Management, Uncompahgre Field Office, Montrose, CO

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, Uncompahgre Field Office (BLM Uncompahgre Field Office), intends to carry out the disposition of unassociated funerary objects, sacred objects, or objects of cultural patrimony removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of cultural items in this notice may occur on or after August 14, 2026. If no claim for disposition is

received by July 15, 2027, the cultural items in this notice will become unclaimed cultural items.

ADDRESSES: Send written claims for disposition of cultural items in this notice to Natalie Clark, Deputy Preservation Officer, Bureau of Land Management, Colorado State Office, 2815 H Road, Grand Junction, CO 81506, email *BLM_CO_NAGPRA@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 Uncompahgre Field Office and additional information on the cultural items in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, one lot of NAGPRA cultural items has been reasonably identified. The one lot of unassociated funerary objects and/or sacred objects/objects of cultural patrimony are lithic tools, faunal remains, flora remains, bone and wood tools, cordage, leather, yucca sandal fragments, baskets, projectile points, and groundstones. The unassociated funerary objects and/or sacred objects/objects of cultural patrimony were removed from Delta County, Colorado, specifically archaeological site 5DT813 (''Eagle Rock Shelter''), between 2007 and 2019. In 2011, the human remains of one individual were removed from the site. The human remains were transferred to the Ute Mountain Ute Tribe and reburied in 2015. There are currently no additional identified human remains in this collection. A portion of the site was heavily looted prior to excavation, however most of the cultural items were collected in-situ for research purposes.

Determinations

The BLM Uncompahgre Field Office has determined that:

- The one or more unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The one or more sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- The Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe have priority for disposition of the cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by July 15, 2027, the r cultural items in this notice will become unclaimed cultural items. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the cultural items in this notice may occur on or after August 14, 2026. If competing claims for disposition are received, the BLM Uncompahgre Field Office must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the cultural items are considered a single request and not competing requests. The BLM Uncompahgre Field Office is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 7, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–14178 Filed 7–14–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Melanoma Predictive and Prognostic Tests and Components Thereof, DN 3921;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Castle Biosciences, Inc. on July 10, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain melanoma

predictive and prognostic tests and components thereof. The complaint names as respondents: SkylineDx Holding B.V. of Netherlands; SkylineDx USA, Inc. of San Diego, CA; Qiagen GmbH of Germany; and QIAGEN LLC of Germantown, MD. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3921'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures.[1]) Please note the Secretary's Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 10, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–14192 Filed 7–14–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1442]

Certain Glow Fish Tape Systems, Safety Helmet Systems, and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on June 5, 2026, the presiding chief administrative law judge (''CALJ'') issued an Initial Determination on Violation of Section 337 and Recommendation on Remedy and Bond, should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles

concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain glow fish tape systems, safety helmet systems, and components thereof imported into the United States, sold for importation, or sold in the United States after importation by respondent Milwaukee Electric Tool Corporation, of Brookfield, Wisconsin (''Milwaukee'') and/or cease and desist orders directed to Milwaukee. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on June 5, 2026. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;
(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;
(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and
(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on August 13, 2026.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1442'') in a prominent place on the cover page or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of 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: July 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–14234 Filed 7–14–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Electronic Devices, DN 3922;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Maxell, Ltd. on July 10, 2026. The complaint

alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; and Samsung Electronics America, Inc. of Ridgefield Park, NJ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3922'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–14227 Filed 7–14–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1502]

Certain Energy Drinks and Labeling and Packaging Thereof; Notice of a Commission Determination Not To Review an Initial Determination Amending 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 (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 4) of the chief administrative law judge (''CALJ''), granting complainant Monster Energy Company's (''Monster's'') motion for leave to amend the complaint and notice of investigation to correct the address for respondent Creative Trading Corporation.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2593. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 4, 2026, based on a complaint filed by Monster of Corona, California. 91 FR 33756–57 (June 4, 2026). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain energy drinks and labeling and packaging thereof by reason of the infringement of one or more of U.S. Trademark Registration No. 6,760,278, U.S. Trademark Registration No. 6,451,182, U.S. Trademark Registration No. 2,903,214, and U.S. Trademark Registration No. 3,434,821. *Id.* at 33756. The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Gig Wholesale Corp. of Spring Valley, New York; The Elegant Inc. of Piliyandala, Sri Lanka; Hamilton Trading Corp. of Bronx, New York; Pal Global Imports Inc. of Elmhurst, Illinois; Asia Link Inc. of Auckland, New Zealand; Creative Trading of Cedarhurst, New York; MBCH Solutions LLC and Simple Shipping Solutions LLC of Farmington Hills, Michigan; JDC Trading Inc. of Panama City, Panama; Apollo Produce LLC and 232 Barren Springs LLC of Houston, Texas; Sigmai (Asia) Limited Inc. of Miami Lakes, Florida; and Cats Media Inc. of Basking Ridge, New Jersey. *Id.* The Office of Unfair Import Investigations (''Staff'') is also a party to this investigation. *Id.*

On June 11, 2026, Monster filed a motion for leave to amend the complaint and notice of investigation to replace the original address for respondent Creative Trading Corporation of P.O. Box 471, Cedarhurst, New York 11516 with 49 Lawrence Street, East Rockaway, New York 11518–2309. Monster explained that the corrected address would facilitate service of the complaint and other investigation documents by the Commission using express mail services that require a street address rather than a P.O. box. Staff did not oppose the motion. No other party responded to the motion.

On June 23, 2026, the CALJ issued the subject ID (Order No. 4) granting the motion for leave to amend the complaint and notice of investigation to correct the address for respondent Creative Trading Corporation. The ID finds that Monster demonstrated good cause as required by Commission Rules 210.14(b)(1) (19 CFR 210.14(b)(1)). No petitions for review of the subject ID were filed.

The Commission finds that the amendment would not prejudice the private parties or the public interest and thus has determined not to review the subject ID. The complaint and notice of investigation are amended to correct the address for respondent Creative Trading Corporation.

The Commission vote for this determination took place on July 13, 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: July 13, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–14223 Filed 7–14–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[Docket No. OLP183]

Civil Monetary Penalties Inflation Adjustments for 2026

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice (''the Department'' or ''DOJ'') is notifying the public that its civil monetary penalty amounts will not increase for the 2026 calendar year. DOJ is generally required by statute to amend its regulations annually to adjust for inflation the civil monetary penalties assessed or enforced by components of the Department. However, in accordance with guidance from the Office of Management and Budget (''OMB''), DOJ will continue to use the 2025 civil monetary penalty levels because there will be no cost-of-living adjustment for 2026.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone (202) 514–8059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Statutory Process for Implementing Annual Inflation Adjustments

In accordance with the requirements of section 4 of the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, Public Law 101–410 (the ''Inflation Adjustment Act''), as amended, (28 U.S.C. 2461 note) Justice is required periodically to adjust for inflation the civil monetary penalties assessed or enforced by the Department by publishing a rule in the **Federal Register**.

Section 701 of the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015) (''BBA''), substantially revised the prior provisions of the Inflation Adjustment Act and substituted a different statutory formula for calculating inflation adjustments on an annual basis. The BBA further requires agencies to adjust their civil penalties on January 15 of each year thereafter to account for inflation during the preceding year.

Pursuant to the Inflation Adjustment Act, as amended, the Department has promulgated a series of rules adjusting the civil money penalties for inflation. Readers may refer to the Supplementary Information (also known as the preamble) of the Department's prior inflation adjustment rules for additional background information regarding the statutory authority for adjustments of civil monetary penalty amounts to take account of inflation and the Department's past implementation of inflation adjustments.

Most recently, the Department published its 2025 final rule on July 3, 2025 (90 FR 29445), to adjust the civil money penalties to account for inflation occurring since 2024.

II. No Adjustments for 2026

According to Section 701 of the BBA, the annual inflation adjustment to civil penalties is based on Bureau of Labor Statistics (''BLS'') CPI–U data from the month of October of the prior year. Due to the October-November 2025 lapse in appropriations, BLS was unable to produce the October 2025 data. The statute does not allow for an alternative method of calculating civil penalty amounts. On April 17, 2026, OMB Director Russell T. Vought issued OMB memorandum M–26–11,[1] which informed agencies of the cancellation of the penalty inflation adjustment for 2026 based on the lack of October 2025 CPI–U data. OMB instructed agencies to continue using the 2025 civil monetary penalties as applicable.

Consistent with the guidance provided in M–26–11, the Department of Justice is not making any adjustments

[1] See M–26–11, Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, *https://www.whitehouse.gov/wp-content/uploads/2026/04/M-26-11-Cancellation-of-Penalty-Inflation-Adjustments-for-2026-Regarding-the-Federal-Civil-Penalties-Inflation-Adjustment-Act-Improvements-Act-of-2015.pdf.*

to civil money penalties under the Inflation Adjustment Act in 2026.

In 2027, the Department will undertake a thorough review of the civil penalties assessed or enforced by its components pursuant to the Inflation Adjustment Act and in accordance with guidance issued by the Office of Management and Budget.

Dated: July 10, 2026.

Daniel E. Burrows,

Assistant Attorney General, Office of Legal Policy.

[FR Doc. 2026–14236 Filed 7–14–26; 8:45 am]

BILLING CODE 4410–BB–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On July 10, 2026, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Kansas in the lawsuit entitled *United States and the State of Kansas* v. *South Bow (USA) LP and South Bow Infrastructure Operations Inc.,* Civil Action No. 2:26–cv–02401.

The United States filed this action under the Clean Water Act against Defendants for a December 2022 rupture of the Keystone Pipeline, which discharged at least 12,937 barrels of oil into Mill Creek, and onto its adjoining shorelines, in Washington County, Kansas. The proposed consent decree requires Defendants to pay a $26,867,789 civil penalty and implement injunctive relief designed to reduce the likelihood of similar spills. The consent decree also resolves claims by the State of Kansas for civil penalties for violations of state laws.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Kansas* v. *South Bow (USA) LP and South Bow Infrastructure Operations Inc.,* D.J. Ref. No. 90–5–1–1–12906. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Scott Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026–14211 Filed 7–14–26; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0087]

[Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension of a Previously Approved Collection; Title—Law Enforcement Public Contact Data Collection

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Criminal Justice Information Services (CJIS) Division, FBI, 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 30 days until August 14, 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 Matthew B. Fancher, Unit Chief, Crime and Law Enforcement Statistics Unit, FBI, CJIS Division, Module D–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, (304) 625–4830, *mbfancher@fbi.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on May 5, 2026, allowing a 60-day comment period. 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 Federal Bureau of Investigation, 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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number [1110–0087]. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: This collection is needed to collect the number of contacts law enforcement officers have with the public in three major categories—citizen calls for service, unit/officer-initiated contacts, and court/bailiff activities.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Law Enforcement Public Contact Data Collection.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:*

Affected Public: Federal, state, county, city, tribal, and territorial law enforcement agencies.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 18,671.

7. *Estimated Time per Respondent:* 30 minutes.

8. *Frequency:* Annually.

9. *Total Estimated Annual Time Burden:* 9,336 hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

TOTAL BURDEN HOURS

Activity	Number of potential respondents	Frequency	Total potential annual responses	Time per response (min)	Total annual burden (hours)
Law Enforcement Public Contact Data Collection	18,671	Annually	18,671	30	9,336
Unduplicated Totals	18,671		18,671		9,336

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: July 13, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–14250 Filed 7–14–26; 8:45 am]

BILLING CODE 4410–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–301 and K2026–297]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. See Section III for summary proceedings.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–301 and K2026–297; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1035, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Parvaneh Higareda,

Senior Paralegal Specialist.

[FR Doc. 2026–14228 Filed 7–14–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail Express

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* July 15, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and No.	MC Docket No.	K Docket No.
07/07/26	PM–GA 1032	MC2026–296	K2026–293
07/08/26	PM–GA 1033	MC2026–297	K2026–294
07/09/26	PM–GA 1034	MC2026–298	K2026–295
07/10/26	PM–GA 1035	MC2026–301	K2026–297

Documents are available at *www.prc.gov*.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–14191 Filed 7–14–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105883; File No. SR–NasdaqTX–2026–025]

Self-Regulatory Organizations; Nasdaq Texas, 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 Establish a Package of Complimentary Services

July 10, 2026.

I. Introduction

On May 14, 2026, Nasdaq Texas, LLC (the ''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 establish a package of complimentary products and services that will be offered to certain listings. The proposed rule change was published for comment in the **Federal Register** on May 29, 2026.[3] On June 30, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety.[4] The Commission has received no comment letters on the proposal. The Commission is publishing this notice and order to solicit comments on Amendment No. 1 from interested persons and to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of Proposed Rule Change, As Modified by Amendment No. 1

The Exchange recently became a venue for dually listing companies.[5] The Exchange now proposes adopting Rule 5950 to offer certain complimentary services from Nasdaq Corporate Solutions, LLC, an affiliate of the Exchange, to certain dually listed companies. Specifically, the Exchange proposes to offer all companies listed on the Exchange as of the date of approval of the proposed rule change and all companies that list on the Exchange on or before March 31, 2027, the ability to receive a new complimentary service for a one-year period.[6] Such eligible companies would receive a choice of one of the three following products or services.

The first offering is Monthly Stock Surveillance, which is a stock surveillance package, under which a dedicated analyst will, on a monthly basis, utilize a mosaic of public, subscription, and issuer-based data sources to monitor the daily movement and settlement activity of the company's stock to identify institutional buying and selling of the company's shares. This service has an approximate retail value of $33,500 per year.[7]

The second offered service is Select Global Targeting, which utilizes investor targeting specialists to help focus the company's investor relations efforts on appropriate investors, tailor messaging to their interests, and measure the company's impact on their holdings.[8] Additionally, an analyst team will develop a detailed plan aligning the targeting efforts with the company's long-term ownership strategy, including addressable risks and opportunities by

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105554 (May 26, 2026), 91 FR 32149 (''Notice'').

[4] In Amendment No. 1 to the proposed rule change, the Exchange: (i) discussed the applicability of Sections 6(b)(4) and 6(b)(8) of the Act to the proposal; and (ii) made minor technical changes to improve the clarity and readability of the proposed rule change. Amendment No. 1 is available on the Commission's website at: *https://www.sec.gov/rules-regulations/public-comments/sr-nasdaqtx-2026-025* (''Amendment No. 1'').

[5] Securities Exchange Act Release No. 104907 (Feb. 27, 2026), 91 FR 10657 (Mar. 4, 2026) (approving SR–BX–2026–004). Nasdaq BX, Inc. was recently reorganized into a limited liability corporation that is operated under and governed by Texas state laws and renamed as Nasdaq Texas, LLC. *See* Securities Exchange Act Release No. 104739 (Jan. 29, 2026), 91 FR 4989 (Feb. 3, 2026) (SR–BX–2026–006).

[6] *See* Amendment No. 1, *supra* note 4, at 4.

[7] *Id.* at 4–5. The Exchange states that to utilize the Monthly Stock Surveillance service, a company will have to subscribe to, and separately pay for, certain third-party information which is not included in the service. *See id.*

[8] *See id.* at 5.

region and investor type, and recommendations for where to focus time. This service has an approximate retail value of $37,500 per year.[9]

The third offered service is Market Analytic Tools for two users.[10] Under this service, companies will receive a market analytic tool that integrates corporate shareholder communications, capital market information, investor contact management, and board-level reporting into a unified, easy to use, workflow environment including mobile device access. This tool also provides information about research and earnings estimates on the company and helps companies identify potential purchasers of their stock using quantitative targeting and qualitative insights. This service has an approximate retail value of $32,500 per year for two users.[11]

The Exchange states that if an eligible company begins to use a particular service pursuant to proposed Rule 5950 within 30 days after the date of listing or the date of the proposal's approval as applicable, the complimentary one-year period for that product or service will begin on the date of first use.[12] In all other cases, the period for each complimentary product or service shall commence on the listing date or the date of the proposal's approval, as applicable, and if a company does not use a service within the applicable time period there shall be no refund or other credit for the unused service.[13]

III. 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 Section 6 of the Act.[14] Specifically, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[15] in particular, in that the proposed rule is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(8) of the Act[16] in that it does not impose any burden on competition, not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange states that offering complimentary products and services to dually listed companies will entice companies to dually list on the Exchange and help those companies fulfill their responsibilities as public companies.[17] As proposed, the complimentary products or services will be offered to all companies listed on the Exchange at the time of the proposal's approval, as well as all companies that list on or before March 27, 2027, for the same period of time. In addition, the Exchange represents that offering the proposed complimentary products and services will have no adverse impact on the funding available for the Exchange's regulatory responsibilities.[18] Accordingly, the Exchange will continue to be able to allocate sufficient resources to, and fully perform, all its regulatory obligations.

The proposal to permit the Exchange to provide complimentary services to all companies listed on the Exchange at the time of the proposal's approval or on or before March 27, 2027, as described above,[19] is appropriate and consistent with the Act. Describing in the Exchange's rules the products and services available to listed companies, their associated values, and the length of time for which issuers are entitled to receive such services adds greater transparency to the Exchange's rules and will help to ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed, which would raise unfair discrimination issues under the Act.[20] Furthermore, all companies will receive the same options of complimentary products and services for the same one-year period and the Exchange is not proposing to offer any additional products or services to listed companies on a tiered or differentiated basis. For these reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and, in particular, that the complimentary products and services are equitably allocated among issuers consistent with Section 6(b)(4) of the Act,[21] and the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.[22]

In addition, the Commission believes that the Exchange is responding to competitive pressures in the market for listings in making this proposal. In particular, the Exchange states that it only recently began to list companies and that offering complimentary services will entice companies to dually list on the Exchange.[23] The Commission understands that the Exchange faces competition in the market for listing services, and that it competes in part by providing complimentary services to its listed companies. Accordingly, the Commission believes that the proposed rule reflects the current competitive environment for exchange listings among national securities exchanges, and is appropriate and consistent with Section 6(b)(8) of the Act.[24]

IV. 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–NasdaqTX–2026–025 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.

[9] *See id.*

[10] *See id.* The Exchange states that where a company already subscribes to Nasdaq's Market Analytic Tools, the company could instead elect to receive the service for two new users. *See id.* at n.5.

[11] *See id.* at 5. The approximate retail value of receiving this service for two new users is $26,000 per year. *See id.* at n.5.

[12] *See id.* at 5.

[13] *See id.* The Exchange states that a company is not required to use the complimentary product or service as a condition of listing. *See id.* at 6.

[14] 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] 15 U.S.C. 78f(b)(8).

[17] *See* Amendment No. 1, *supra* note 4, at 6.

[18] *See id.*

[19] *See supra* notes 7–11 and accompanying text.

[20] The Commission views complimentary products and services provided by exchanges to listed companies as a discount on the ultimate listing fees paid by such companies. *See, e.g.,* Securities Exchange Act Release Nos. 79366 (Nov. 21, 2016), 81 FR 85663 (Nov. 28, 2016) (order approving SR–NASDAQ–2016–106); 81872 (Oct. 13, 2017), 82 FR 48733 (Oct. 19, 2017) (order approving SR–IEX–2017–20); 65127 (Aug. 12, 2011), 76 FR 51449 (Aug. 18, 2011) (order approving SR–NYSE–2011–20); and 65963 (Dec. 15, 2011), 76 FR 79262 (Dec. 21, 2011) (order approving SR–NASDAQ–2011–122).

[21] 15 U.S.C. 78f(b)(4).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* Amendment No. 1, *supra* note 4, at 6.

[24] 15 U.S.C. 78f(b)(8).

All submissions should refer to file number SR–NasdaqTX–2026–025. 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–NasdaqTX–2026–025 and should be submitted on or before August 5, 2026.

V. Accelerated Approval of the 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 sets forth additional support and clarifying details regarding the proposal. These changes (1) provide additional statutory support for the proposal and (2) make other technical and non-substantive changes for clarity and readability. The changes and additional discussion in Amendment No. 1 assist the Commission in evaluating the proposal and determining that it is consistent with the Act. Amendment No. 1 does not alter any substantive provisions of the proposed rule change, or raise any regulatory issues substantially different from what is set forth in the Notice, which was subject to public comment. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[25] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–NasdaqTX–2026–025), as modified by Amendment No. 1, be and hereby is, approved on an accelerated basis.

[25] 15 U.S.C. 78s(b)(2).

[26] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14199 Filed 7–14–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105882; File No. S7–2026–04]

Order Under Section 36 of the Securities Exchange Act of 1934 (the ''Exchange Act'') and Rule 6h–1(d) Thereunder Granting Conditional Exemptive Relief to the Chicago Mercantile Exchange Inc. From the Opening Price Settlement Requirements of Rule 6h–1(b) Under the Exchange Act for Certain Cash-Settled Security Futures

July 10, 2026.

I. Introduction

On July 25, 2025, the Chicago Mercantile Exchange Inc. (''CME'') submitted a request for exemptive relief pursuant to section 36 of the Exchange Act and Rule 6h–1(d) thereunder [1] from the requirements of Rule 6h–1(b) under the Exchange Act [2] to permit the final settlement price of certain cash-settled security futures to reflect the closing price of the underlying security.[3] On February 10, 2026, the Securities and Exchange Commission (the ''Commission'' or ''SEC'') published a notice of this application for an exemption to solicit comments from interested persons.[4]

CME seeks to list and trade cash-settled security futures on certain individual securities.[5] In addition to the listing standards CME originally established for single stock security futures,[6] CME seeks to limit the listing and trading of cash-settled security futures to an underlying security that (1) has an outstanding market capitalization of $100 billion or greater, (2) has an estimated deliverable supply [7] of greater than 20 million shares, and (3) a minimum average daily value of transactions (''ADVT'') of $450 million over the prior six months [8] (''Proposed Cash-Settled Products'').[9] The new listing standards would provide for the Proposed Cash-Settled Products to settle at expiration based on the closing prices of the underlying securities.[10] Cash settlement at expiration based on the closing prices of the underlying securities is not permitted by Rule 6h–1(b) of the Exchange Act. Therefore, CME requested that the Commission grant an exemption from Rule 6h–1(b) under the Exchange Act.[11]

For the reasons discussed below, the Commission has determined it is appropriate in the public interest and consistent with the protection of investors to grant conditional exemptive relief, pursuant to its authority under section 36(a)(1) of the Exchange Act and Rule 6h–1(d) thereunder,[12] to CME from the opening price settlement requirements of Rule 6h–1(b) under the Exchange Act.

II. Background

The Commodity Futures Modernization Act of 2000 [13] (''CFMA'') authorizes the trading of futures on individual stocks and narrow-based security indexes (collectively, ''security futures'') [14] and any put, call, straddle, option, or privilege on any security future (collectively with security

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78mm; 17 CFR 240.6h–1(d).

[2] 17 CFR 240.6h–1(b).

[3] Letter from Jonathan Marcus, Senior Managing Director and General Counsel, CME Group Inc., dated July 25, 2025 (''CME Exemption Request'') at 1, available at *https://www.sec.gov/files/rules/exorders/2026/34-104786.pdf* in the appendix to the document.

[4] *See* Securities Exchange Act Release No. 104786 (Feb. 10, 2026), 91 FR 6681 (Feb. 12, 2026) (''Notice'').

[5] *See* CME Exemption Request at 1.

[6] CME previously listed and traded security futures and ceased offering security futures for trading in March 2011.

[7] *See infra* note 29.

[8] An underlying security that has been trading for less than six months must have a minimum ADVT of $1 billion over the prior month.

[9] *See* Notice and *infra* sections III and IV for additional details regarding the Proposed Cash-Settled Products.

[10] Cash-settled derivatives contracts such as security futures must determine a settlement price on expiration date that is based on the underlying product of the derivatives contract on expiration date. Cash-settled derivatives products' final settlement prices on the expiration date can be based on different reference prices for the underlying security, including: (1) the opening price (''A.M. Settlement'') or (2) the closing price (''P.M. Settlement'' or ''P.M. Settled'') of the underlying security.

[11] CME is also seeking an exemption from the Commodity Futures Trading Commission (''CFTC'') from a corresponding requirement under CFTC regulation. *See* CME Exemption Request at 1.

[12] 15 U.S.C. 78mm(a)(1).

[13] Pub. L. 106–554, Appendix E, 114 Stat. 2763.

[14] *See* section 3(a)(55) of the Exchange Act, 15 U.S.C. 78c(a)(55) (defining security future as ''a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under Section 3(a)(12) of this title 5 as in effect on the date of the enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in Section 3(a)(29) as in effect on the date of the enactment of the Futures Trading Act of 1982)'').

futures, ''security futures products'').[15] The CFMA defines security futures as securities under the Exchange Act [16] and contracts of sale for future delivery under the Commodity Exchange Act (''CEA'').[17] Accordingly, the regulatory framework established by the CFMA for the markets and intermediaries trading security futures products provides the SEC and the CFTC with joint jurisdiction.

Shortly after the CFMA was enacted, the SEC and CFTC jointly adopted Rule 6h–1 and CFTC Regulation 41.25(c) to establish an A.M. Settlement standard for cash-settled security futures that had become common for index futures and index options.[18] Rule 6h–1 states that the final settlement price of a ''cash-settled'' security futures product must fairly reflect the opening price of the underlying security or securities.[19] As discussed in the Notice, this rule was established in response to concerns with cash-settled index derivatives that were P.M. Settled.[20] At the time, there were no single stock futures products; single stock options were physically settled using P.M. Settlement, as they are generally done today.[21]

[15] *See* section 3(a)(56) of the Exchange Act, 15 U.S.C. 78c(a)(56) (defining ''security futures product'' as ''a security future or any put, call, straddle, option, or privilege on any security future'').

[16] *See* section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10).

[17] *See* section 1a(44) of the CEA, 7 U.S.C. 1a(44) (defining ''security future'').

[18] *See* 17 CFR 240.6h–1(b)(1) and 17 CFR 41.25(c); *see also* Securities Exchange Act Release No. 45956 (May 17, 2002), 67 FR 36740 (May 24, 2002) (''Rule 6h–1 Joint Adopting Release'').

[19] 17 CFR 240.6h–1(b)(1).

[20] *See* Rule 6h–1 Joint Adopting Release, 66 FR at 36741–42.

[21] The Commission has approved cash settlement for two types of single security options, in each case recognizing several factors that mitigated manipulation concerns with these products: 1) binary options on certain single stocks (''BYRDS''); and 2) Flexible Exchange (''FLEX'') options on certain exchange traded products such as exchange traded funds (''ETFs''). *See, e.g.,* Securities Exchange Act Release Nos. 56251 (Aug. 14, 2007), 72 FR 46523 (Aug. 20, 2007) (SR–Amex–2004–27) (Order approving listing of Fixed Return Options, later knows as ''BYRDS''); 88131 (Feb. 5, 2020), 85 FR 7806 (Feb. 11, 2020) (SR–NYSEAMER–2019–38) (Order approving certain FLEX options to be cash-settled). Section 6(h)(3)(C) of the Exchange Act states that listing standards for security futures shall be no less restrictive than comparable listing standards for options traded on a national securities exchange. 15 U.S.C. 78f(h)(3)(C). Section 6(h)(3)(H) of the Exchange Act states that listing standards for security futures shall ''require that trading in the security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities.'' 15 U.S.C. 78f(h)(3)(H).

III. CME Exemption Request

The CME Exemption Request states that the historic concern around thin liquidity at the close of the equity securities markets is largely moot given the characteristics of today's markets for those securities.[22] CME states that the liquidity characteristics of today's cash equity markets, as well as the current use of the closing price for final settlement of cash-settled index options and physically-settled options on individual stock, mitigate the concerns regarding volatility at the close and manipulation, and support CME's proposed use of the official closing prices for securities underlying the Proposed Cash-Settled Products.[23] In support of its position, CME provided comparisons of trading volume at the market close versus the market open.[24]

In addition, CME states that the listing standards for cash-settled futures on individual equity securities described in the CME Exemption Request ensure substantial protection from manipulation because they require a highly liquid underlying market for any such contracts CME will list for trading.[25] CME states that the initial listing standards would require an underlying security to exceed 20 million shares in estimated deliverable supply, have a minimum market capitalization of at least $20 billion, and have a minimum ADTV of $100 million over the prior six months.[26] CME further states that it will review the underlying securities on a quarterly basis and apply maintenance standards under which an underlying security must maintain over 20 million shares in estimated deliverable supply, a minimum market capitalization of at least $10 billion, and an ADVT of $100 million for the prior calendar quarter.[27]

[22] *See* CME Exemption Request at 4.

[23] *See id.* at 5.

[24] *Id.* at 4–8.

[25] *Id.* at 9–10. Any listing standards established by CME must be filed with the Commission under Exchange Act section 19(b)(7).

[26] *Id.* at 1.

[27] *Id.* at 1–2. An underlying security that has been listed for trading for less than a quarter must have a minimum of $1 billion ADVT over the period traded during the calendar quarter. *Id.* As discussed below, CME subsequently submitted a letter in response to comments received on the Notice. In the response letter, CME proposed augmenting some of these standards. Specifically, for initial listing standards: 1) minimum market capitalization was increased from $20 billion to $100 billion; and 2) minimum ADVT was increased from $100 million to $450 million over the prior six months. For maintenance standards: 1) minimum market capitalization was increased from $10 billion to $50 billion; and 2) minimum ADVT was increased from $100 million to $200 million over the prior calendar quarter. *See* letter from Jonathan Marcus, Senior Managing Director and General Counsel, CME Group Inc., dated June 9, 2026 (''CME Response Letter'') at 4.

CME also states that position limits will provide additional protection against manipulation.[28] In particular, CME states that it will establish speculative position limits for all cash-settled single equity security futures it lists, as required by and consistent with CFTC Rule 41.25(b)(3) and the CFTC's guidance in Appendix A to Subpart C of Part 41—Guidance on and Acceptable Practices for Position Limits and Position Accountability for Security Futures Products.[29] Cash-Settled Single Stock Security Futures limits will be set no greater than the equivalent of 12.5% of the estimated deliverable supply of the underlying security for securities exceeding 20 million shares in estimated deliverable supply. Limits will be effective during the last three trading days of an expiring contract month.[30]

CME also states that it has rules prohibiting market participants from engaging in manipulation of the security futures or the underlying cash market and disciplinary rules to enforce such prohibition.[31] Finally, CME states that trading activity in the Proposed Cash-Settled Products will be subject to monitoring and surveillance by CME Group Inc.'s Market Regulation Department.[32]

IV. Discussion of Conditional Exemptive Relief From Rule 6h–1(b) Pursuant to Section 36 of the Exchange Act and Rule 6h–1(d) Thereunder and Comments Received

Section 36 of the Exchange Act authorizes the Commission, by rule, regulation, or order, to exempt, conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the

[28] *See id.* at 10.

[29] *Id.* CFTC Rule 41.25 establishes position limits for security futures on a single equity security, including ETFs. *See* 17 CFR 41.25. For any equity security with an estimated deliverable supply of greater than 20 million shares, Rule 41.25 permits a designated contract market (''DCM'') to adopt, if appropriate considering the liquidity and trading in the underlying security, a position limit as high as 12.5% of the estimated deliverable supply of the underlying security. *See* 17 CFR 41.25(b)(i)(A). For single equity securities where the six-month total trading volume in the underlying exceeds 2.5 billion shares and there are more than 40 million shares of estimated deliverable supply, a DCM is permitted to adopt a position accountability rule instead of a position limit. *See* 17 CFR 41.25(b)(i)(B). As discussed below, CME subsequently stated it intends to initially set position limits at 200,000 contracts. *See infra* note 51.

[30] *See* CME Exemption Request at 10.

[31] *Id.*

[32] *Id.*

Exchange Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.[33] Rule 6h–1(d) under the Exchange Act states that the Commission may grant a national securities exchange or national securities association an exemption, either unconditionally or on specified terms and conditions, from the requirements of Rule 6h–1 if it determines that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.[34]

As discussed below, the Commission finds that it is appropriate in the public interest, and is consistent with the protection of investors, to grant CME a conditional exemption from Rule 6h–1(b)(1) to permit certain cash-settled security futures on individual securities to be P.M. Settled. This exemption facilitates the public's interest in market and product development and innovation by permitting CME to list and trade new products that may be useful to market participants in implementing their business and investment objectives. This exemption is also subject to conditions that are designed to provide several meaningful investor protections against potential manipulation and market disruption.

First, the Proposed Cash-Settled Products will be subject to robust listing and maintenance standards.[35] The underlying security for each product will exceed 20 million shares in estimated deliverable supply; have a minimum market capitalization of at least $100 billion; and have a minimum ADVT of $450 million over the prior six months. The underlying security will need to maintain over 20 million shares in estimated deliverable supply, a minimum market capitalization of at least $50 billion, and an ADVT of $200 million for the prior calendar quarter.[36] Limiting these products to the most liquid underlying securities will help to mitigate the impact (if any) of the products on the closing process of the underlying equity securities, including the concern that cash-settled security futures that are P.M. Settled could cause excessive volatility and potential manipulation at the close in the underlying securities. This is because the consistently high liquidity combined with the market maker, retail and institutional interest should be enough to respond to any surges in volume caused either by futures expiration or attempts at manipulation.

Second, CME's listing schedule for the Proposed Cash-Settled Products will be limited to the nearest three quarters[37] which may help to limit the amount of open interest that can accumulate for any particular expiration date. Limiting the amount of open interest in a security future may help reduce the pressure on liquidity in the underlying security on expiration date and mitigate the concern that market participants would anticipate this pressure and attempt to manipulate the underlying security.

Third, CME will make publicly available for a period of 18 months, a significant amount of daily and semi-annual data about trading in the Listed Cash-Settled Products.[38] This data will facilitate market and product analysis by regulators and other market participants.

Fourth, the CME will conduct an 18-month study concerning the effect of cash-settled single stock futures on the underlying security markets.[39] This report will include analysis concerning the products, as well as analysis of any other similar P.M. Settled, cash-settled single stock security futures, security options, or other similar derivative listed and traded during the 18-month period. The report will examine the price of the underlying stock at 3:30 p.m. and 3:45 p.m. on expiration day, the closing price of the underlying stock on expiration day, the opening price on the next trading day, and the percentage change among such prices. The report will also include the number of products settled based on the closing price of the underlying stock, with a discussion of price reversal. The report will be provided to the Commission and be made publicly available.[40]

Finally, the exemption is consistent with the protection of investors because the products, as with any new products listed for trading on CME, will be subject to monitoring and surveillance by CME's Market Regulation Department.[41]

While the Commission finds that relief is appropriate in the public interest and consistent with the protection of investors, the Commission acknowledges that commenters expressed concerns with the CME Exemption Request.[42] One commenter stated that the CME Exemption Request has not met its burden to demonstrate that the requested relief is in the public interest and consistent with the protection of investors.[43] Commenters stated that the CME Exemption Request does not address the potential impact of the Proposed Cash-Settled Products on the opening and closing process of the underlying equity securities.[44] One commenter stated that the Proposed Cash-Settled Products are ''untested and unproven,'' adding that the CME Exemption Request cannot be supported by an analysis of existing options products.[45]

In response to comments, CME stated that it provided detailed analysis in its exemption request of the substantial liquidity that exists today in the underlying securities at the close and how that liquidity is far greater than the liquidity at the open.[46] CME stated that allowing it to use the securities' closing prices for final settlement will enable CME to offer security futures that provide more robust protection against potential manipulation.[47] CME also

[33] 15 U.S.C. 78mm(a)(1).

[34] 17 CFR 240.6h–1(d).

[35] As discussed in footnote 27, CME augmented some of its proposed initial and maintenance listing standards in its Response Letter. The conditions discussed in this section reflect those augmented proposed standards.

[36] *See* CME Response Letter at 4; see also, CME's description of the listing standards as reflected in the ''Listing Standards'' condition below.

[37] This limitation is reflected in the ''Listing Schedule'' condition below. The listing schedule was specified in the Response Letter. *See* CME Response Letter at 5.

[38] CME's description of the daily and semi-annual data is reflected in the ''Public Data Provision'' condition below.

[39] CME's description of the study is reflected in the ''CME Study'' condition below.

[40] *See* CME Response Letter at 4.

[41] *See* CME Response Letter at 10.

[42] *See* letters from Patrick Sexton, EVP, General Counsel, and Corporate Secretary, Cboe Global Markets, Inc., dated March 23, 2026 (''Cboe Letter''); Jeffrey S. Davis, Senior Vice President, Nasdaq, Inc., dated March 20, 2026 (''Nasdaq Letter'').

[43] *See* Cboe Letter at 2. This commenter also stated that consideration should be given to whether P.M. Settled single stock futures should first be physically settled prior to entertaining exemptive relief and that listing and trading physically settled products would allow CME to develop direct evidence to support the position that P.M. Settlement will not impact the underlying market. *See id.* However, single stock futures with physical settlement and P.M. Settlement have listed and traded previously on OneChicago, LLC, a notice registered national securities exchange for security futures products. *See* CME Exemption Request at 2, n. 3.

[44] *See* Nasdaq Letter at 2–3; *see also* Cboe Letter at 1.

[45] *See* Cboe Letter at 1. This commenter stated that (i) standard equity options with P.M. Settlement are distinguishable because they are physically settled (rather than cash settled as proposed in the CME Exemption Request), (ii) cash-settled index options with P.M. Settlement are distinguishable because they have a limited effect on the underlying equity market as shown by twenty years of study and single stock security futures may have a different effect on underlying securities, and (iii) cash-settled FLEX options with P.M. Settlement are distinguishable because they represent a small fraction of overall options activity and are limited to a subset of underlying ETFs. *See also* Nasdaq Letter at 2–3 (stating index options, given their diverse composition, present materially different manipulation concerns than options on individual securities).

[46] *See* CME Response Letter at 3.

[47] *See id.*

stated that it will propose listing standards that are heightened from those described in the CME Exemption Request.[48] CME further proposed conditioning the exemption on CME limiting its listing schedule for security futures contracts to the nearest three quarters out.[49] In addition, CME proposed conditioning the exemption on CME making available to the Commission and the public a study of the effect of cash-settled single stock futures on the market for the underlying securities [50] and certain data regarding the security futures listed and traded pursuant to the exemption (''Listed Cash-Settled Product'').[51]

The Commission understands the comment that cash-settled security futures that are P.M. Settled are ''untested and unproven,'' and the Commission acknowledges the difficulty in relying upon data about existing products to assess the potential impact of proposed cash-settled products. However, the conditions associated with this exemption, including the listing standards and the listing schedule provide reasonable protection against excessive volatility and potential manipulation in the underlying securities. Also, as CME points out, it maintains and enforces rules prohibiting market participants from engaging in manipulation of security futures or the underlying cash markets and trading activity in the products will be subject to monitoring and surveillance by CME.[52] Additionally, the availability of public data and a study, will help ensure that these products are made available to the public in a manner that is appropriate in the public interest and consistent with the protection of investors. As described above, trading experience with these products will generate data that CME, the Commission, and the public can use to assess the potential impact of the products. That said, the more rigorous listing standards and listing schedule help mitigate the volatility and manipulation concerns regarding these products.

One commenter stated that the CME Exemption Request is ''materially deficient'' as compared to the requirements applicable to SEC-registered self-regulatory organizations seeking to list comparable products.[53] The Commission disagrees. This exemption contains data and study conditions modeled on what was required of options exchanges when they reintroduced certain cash-settled index options, which will help facilitate an assessment of these products by the Commission and the public.[54]

One commenter stated that it is necessary for all proposals related to single stock futures to be viewed through the lens of creating a ''level playing field'' with exchange traded options in light of Congress' motivations for enacting the CFMA.[55] Similarly, another commenter stated that no P.M. Settled, cash-settled options on individual equity securities have been approved for trading on self-regulatory organizations.[56] This commenter stated that the Commission should consider the standards applicable to SEC-registered self-regulatory organizations seeking approval for comparable products.[57] Commenters urged a coordinated approach with the CFTC as opposed to an ad hoc, case-by-case determination that risks creating regulatory asymmetries.[58] In response, CME stated that its request should not be delayed while the SEC and CFTC engage in joint rulemaking or as part of a broader holistic effort at coordination and harmonization between the SEC and CFTC, and that it has demonstrated that its request meets the exemption standards in section 36 of the Exchange Act.[59] The Commission has considered the comments regarding regulatory coordination and acknowledges that joint SEC and CFTC regulatory action may be appropriate in the future.[60] At this time, however, the Commission is responding to an exemptive relief application and conditionally granting the request in accordance with the authority provided in section 36 of the Exchange Act and Rule 6h–1(d) thereunder.

With respect to commenters' concerns regarding creating regulatory asymmetries and the need to consider the standards applicable to SEC-registered self-regulatory organizations that would seek to list and/or trade products comparable to the Proposed Cash-Settled Products, the current regulatory framework and Commission authorities concerning security futures and security options provide the means and process for self-regulatory organizations to propose comparable products. For example, other national securities exchanges similarly could seek to list and trade cash-settled derivatives, such as options, based on closing prices by following the relevant Exchange Act rule filing requirements. Accordingly, the current regulatory framework and authorities allow for competition among national securities exchanges that trade security futures and security options and help ensure competition is not harmed by any regulatory asymmetries.

Finally, one commenter encouraged the Commission to address the issue of linked and coordinated clearing to facilitate the fungibility of single stock security futures.[61] CME is a notice registered security futures product exchange and is required to file proposed rule changes under section 19(b)(7) of the Exchange Act with respect to the listing standards for products it intends to list and trade under this exemption. These listing

[48] In particular, CME stated that it will propose initial listing standards that require the underlying security for each product to be common stocks that have an outstanding market capitalization of at least $100 billion and a minimum ADVT of $450 million over the prior six months. CME also stated that it will propose heightened maintenance listing standards that require the underlying security to have a minimum market capitalization of at least $50 billion and an ADTV of $200 million for the prior quarter. CME stated that if the underlying security has been listed for less than six months (in the case of initial listing standards) or less than a calendar quarter (in the case of maintenance listing standards), the ADTV threshold would be $1 billion. *See* CME Response Letter at 4.

[49] *See id.* at 5.

[50] CME stated that the study would include analysis concerning the Proposed Cash-Settled Products, as well as analysis of any other similar P.M. Settled, cash-settled single stock security futures, security options, or other similar derivative listed and traded during the period subject to the report. *See id.* at 4.

[51] *See id.* CME also stated that it intends to establish initially position limits of 200,000 contracts for security futures listed pursuant to this exemption. *See id.* at 2. CME is required file such position limits pursuant to section 19(b)(7) of the Exchange Act because position limits relate to fraud or manipulation. *See* 15 U.S.C. 78h(h)(3)(H).

[52] *See* CME Response Letter at 10.

[53] *See* Nasdaq Letter at 2 (stating, among other things, that Commission-registered self-regulatory organizations were required to, among other things, provide ''empirical justifications that the proposed [P.M. Settled, cash-settled index options] would not cause significant adverse impact on underlying component securities around the close or result in deterioration of market quality'').

[54] One comment letter stated that ''a joint SEC and CFTC rulemaking would be more appropriate than exemptive relief'' because a ''rulemaking would better address whether P.M. cash-settled SSFs are consistent with congressional intent.'' Cboe Letter at 1.

[55] *See* Cboe Letter at 1.

[56] *See* Nasdaq Letter at 2.

[57] *See* Nasdaq Letter at 3.

[58] *See* Nasdaq Letter at 1 (stating a coordinated, holistic review by both agencies would facilitate substituted compliance on a consistent, principled basis) and Cboe Letter at 1–2 (stating joint Commission and CFTC rulemaking would be more appropriate than exemptive relief).

[59] *See* CME Response Letter at 3.

[60] The SEC and the CFTC have created a joint harmonization initiative to advance coordinated oversight and promote regulatory clarity in areas of common regulatory interest. The initiative will support coordination across the policymaking, examination and enforcement functions of each agency, particularly for joint applications and shared policy efforts. *See* SEC–CFTC Harmonization Initiative, *available at: https://www.sec.gov/featured-topics/sec-cftc-harmonization-initiative.*

[61] *See* Cboe Letter at 2; *see also* 15 U.S.C. 78f(h)(3)(E).

standards must address the linked and coordinated clearing requirements of section 6(h)(3)(E) of the Exchange Act.[62] Additionally, section 6(h)(7) of the Exchange Act states that a national securities exchange like CME may trade a securities futures product that does not conform with any listing standard promulgated to meet the requirement of section 6(h)(3)(E) until a compliance date which must be announced jointly by the Commission and the CFTC.[63]

For the reasons discussed above, the Commission has determined that it is appropriate in the public interest, and is consistent with the protection of investors, to grant CME a conditional exemption from Rule 6h–1(b)(1) to permit certain cash-settled security futures on individual securities to be P.M. Settled. This exemption from Rule 6h–1(b)(1) is conditioned on the following:

1. *Listing Standards*—Each underlying security that is a common stock has:

- more than 20 million shares in estimated deliverable supply;
- an outstanding market capitalization of $100 billion or greater;
- a minimum ADVT of $450 million over the prior six months (or if the underlying security has been listed and trading for less than six months, a minimum ADVT of $1 billion over the prior month); and
- to maintain listing, a market capitalization of at least $50 billion and an ADVT of at least $200 million over the prior quarter (or if the underlying security has been listed and trading for less than a calendar quarter, a minimum ADVT of $1 billion over the prior period traded during the calendar quarter).

2. *Listing Schedule*—Each security future shall be listed with no longer than 9 months to expiration.

3. *Public Data Provision*—CME shall make publicly available in a machine-readable Comma-Separated Values format, for a period of 18 months from initial listing of the first Listed Cash-Settled Product, the following information:[64]

- on a daily basis, a daily report of aggregate long and short positions by market participant type (including market maker, firm and customer) or clearing member account type (*e.g.,* proprietary and customer account as required by CFTC Rule 16.00[65]) for each Listed Cash-Settled Product;
- for each security underlying a Listed Cash-Settled Product, the opening price for the next trading day after the settlement Friday and the closing price on the settlement Friday, along with the percentage change between these two prices, and the average percent change between these two prices over the course of a year, made available every six months from initial listing and to the Commission upon request;
- for each Listed Cash-Settled Product, the month-end aggregate long and short positions by market participant type (including market maker, firm and customer) or by clearing member account type (*e.g.,* proprietary and customer account as required by CFTC Rule 16.00[66]) and trading volume for each month, made available every six months from initial listing and to the Commission upon request; and
- for each security underlying a Listed Cash-Settled Product, the first traded price and the last traded price for the 15-minute periods of 3:30 p.m.—3:45 p.m. and 3:45 p.m.—4:00 p.m. for every Friday of each month along with the next trading day's opening price, made available every six months from initial listing and to the Commission upon request.

4. *CME Study*—CME shall provide the Commission and make publicly available within 18 months of initial listing of the first Listed Cash-Settled Product a report examining the effect of cash-settled single stock futures and, to the extent listed and traded, cash-settled single stock options or other similar derivative, on the market for the underlying securities. This report will include analysis concerning the Listed Cash-Settled Products, as well as analysis of any other similar P.M. Settled, cash-settled single stock security futures, security options, or other similar derivative listed and traded during the period subject to the report. The report will examine the price of the underlying security at 3:30 p.m. and 3:45 p.m. on expiration day, the closing price of the underlying security on expiration day, the opening price on the next trading day, and the percentage change among such prices. The number of security futures contracts settled based on the closing price of the underlying security shall be included with a discussion of price reversal (*i.e.,* change in the closing price of the underlying security and the opening price on the next trading day).

V. Conclusion

For the reasons discussed above, and in accordance with section 36 of the Exchange Act and Rule 6h–1(d) thereunder,[67] the Commission finds that exempting CME from the A.M. Settlement requirements of Rule 6h–1(b), subject to conditions contained in this order, is appropriate in the public interest, and consistent with the protection of investors. Accordingly, IT IS HEREBY ORDERED, pursuant to section 36 of the Exchange Act and Rule 6h–1(d) thereunder, subject to the conditions described in section IV above, that CME may utilize the closing price of an underlying security for final settlement price purposes. This exemption is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14198 Filed 7–14–26; 8:45 am]

BILLING CODE 8011–01–P

[62] *See* 15 U.S.C. 78f(h)(3)(E) (providing that the listing standards ''require that the security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on one market and offset on another market that trades such product'').

[63] *See* 15 U.S.C. 78f(h)(7)(A). Compliance date is defined as the later of ''(i) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all national securities exchanges, any national securities associations registered pursuant to section 15A(a), and all other persons equals or exceeds 10% of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges and any national securities associations registered pursuant to section 15A(a); or (ii) 2 years after the date on which trading in any security futures product commences under this title.'' *See* 15 U.S.C. 78f(h)(7)(C).

[64] CME shall make publicly available the complete set of historical information required by this condition, rather than only the most recent version of each required element.

[65] *See* 17 CFR 16.00.

[66] *See id.*

[67] 15 U.S.C. 78mm; 17 CFR 240.6h–1(d). The standard for exemptive authority under section 36 of the Exchange Act is the same as that in Rule 6h–1(d) thereunder.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36248; File No. 813–00424]

Churchill Asset Management LLC

July 13, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting an exemption from all

provisions of the Act, except sections 9, 17, 30, and 36 through 53, and the rules and regulations under the Act (the ''Rules and Regulations''). With respect to sections 17(a), (d), (e), (f), (g), and (j) of the Act, sections 30(a), (b), (e), and (h) of the Act and the Rules and Regulations and rule 38a–1 under the Act, the Applicant requests a limited exemption as set forth in the application.

SUMMARY OF APPLICATION: The Applicant requests an order to exempt certain partnerships, limited liability companies, corporations, business or statutory trusts or other entities (''Partnerships'') formed for the benefit of eligible employees of Churchill Asset Management LLC and its affiliates from certain provisions of the Act. Each Partnership, and each series thereof (to the extent such series is an issuer for purposes of the Act), will be an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act.

APPLICANT: Churchill Asset Management LLC.

FILING DATES: The application was filed on June 18, 2025 and amended on October 15, 2025, March 3, 2026, March 4, 2026 and June 16, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicant with a copy of the request by email, if an email address is listed for the Applicant below, or personally or by mail, if a physical address is listed for the Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern Time, on August 7, 2026, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: mail to: The Commission: *Secretarys-Office@sec.gov.* The Applicant: John McCally, *John.Mccally@churchillam.com;* Sasha Burstein, *Sasha.Burstein@klgates.com;* George Zornada, *George.Zornada@klgates.com.*

FOR FURTHER INFORMATION CONTACT: Priscilla Dao, Senior Counsel, or Matthew Cook, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For the Applicant's representations, legal analysis, and conditions, please refer to the Applicant's fourth amended and restated application, dated June 16, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for the Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14249 Filed 7–14–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105876; File No. SR–BOX–2026–16]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule for Trading on the BOX Options Market LLC Facility To Establish the ORF Rate Under the New Methodology for Assessment and Collection of the ORF

July 10, 2026.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2026, BOX Exchange LLC (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 Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to establish the ORF rate under the new methodology for assessment and collection of ORF for transactions that occur on the Exchange. The text of the proposed rule change is available from the principal office of the Exchange, and also on the Exchange's internet website at *https://rules.boxexchange.com/rulefilings.*

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 Section II. (Regulatory Fees) of the Fee Schedule to establish the ORF rate under the new On-Exchange ORF methodology.[5] With this proposal, the ORF rate under the new methodology will be $0.0220 per contract side. With this proposal, the Exchange will endeavor to ensure that the revenue generated from ORF will not exceed 70% of options regulatory cost. As is the case today, the Exchange will notify Participants via a Notice of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change. In this case, the Exchange issued a Regulatory Notice on May 28, 2026, indicating the proposed rate change for July 1, 2026.[6] The Exchange also proposes to amend Section II. (Regulatory Fees) of the Fee Schedule to delete the text providing, ''The ORF is

[5] The Exchange initially filed the proposed change on June 29, 2026 (SR–BOX–2026–15). On July 2, 2026, the Exchange withdrew SR–BOX–2026–15 and replaced it with the instant filing.

[6] *See* Notice 2026–043, available at: *https://boxexchange.com/assets/Notice-2026-043-Options-Regulatory-Fee-Announcement.pdf.*

not assessed on outbound linkage trades.''

Background

The ORF is designed to cover a material portion of the costs to the Exchange of the supervision and regulation of Participant's [7] customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

On March 6, 2026, the Exchange filed a rule change with the Securities and Exchange Commission amending its current methodologies and practices for the assessment and collection of ORF.[8] Effective July 1, 2026, the Exchange will assess the per contract ORF for options transactions cleared by OCC in the ''customer'' range; however, the per contract ORF will be assessed on each side of an options transaction cleared by the OCC in the ''customer'' range for executions that occur on the Exchange. Specifically, the ORF will continue to be collected by OCC on behalf of the Exchange from Participants and non-Participants for all ''customer'' transactions executed on the Exchange. ORF will be assessed and collected on all ultimately cleared ''customer'' contracts, taking into account adjustments for CMTA that were provided to the Exchange the same day as the trade.[9] Further, the Exchange will bill ORF according to the clearing instructions provided on the execution. More specifically, the Exchange will assess ORF based on the clearing instruction provided on the execution on trade date and will not take into consideration CMTA changes or transfers that occur at OCC.[10]

Proposal

The Exchange now proposes to amend Section II. (Regulatory Fees) of the Fee Schedule to establish the rate of the ORF under the new On-Exchange ORF methodology. With this proposal, the ORF rate under the new methodology will be $0.0220 per contract side. The proposed increase is based on the new On-Exchange methodology, as described in further detail above that goes into effect on July 1, 2026. With this proposal, the Exchange will endeavor to ensure that ORF regulatory revenue generated from ORF will not exceed 70% of options regulatory cost. As is the case today, the Exchange will notify Participants via a Notice of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change. In this case, the Exchange issued a Regulatory Notice on May 28, 2026, indicating the proposed rate change for July 1, 2026.[11]

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset options regulatory costs.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to cover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Participant's customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Unlike other options exchanges, all of the Exchange's expenses support the regulatory function as the Exchange is a fully separate legal entity from BOX Options Market LLC, the equity options facility of the Exchange. The Exchange fulfills the regulatory functions and responsibilities as a national securities exchange registered with the SEC under Section 6 of the Securities Exchange Act of 1934, and oversees the BOX Options Market. Exchange expenses are solely regulatory in nature because, due to the unique structure between the Exchange and the BOX Options Market facility, the Exchange expenses are separate from the BOX Options Market facility expenses and there can be no commingling of the funds. Put another way, all of the Exchange's expenses support the regulatory function of BOX Exchange because the Exchange expenses are completely separate from the BOX Options Market facility expenses. The ORF is designed to cover a material portion of these regulatory costs to the Exchange, including the supervision and regulation of its Participant's customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

The Exchange will continue to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange may adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Participants of adjustments to the ORF via a Regulatory Notice at least 30 days prior to the effective date of the change.

Lastly, the Exchange also proposes to amend Section II. (Regulatory Fees) of the Fee Schedule to delete the text providing, ''The ORF is not assessed on outbound linkage trades.'' The Exchange is proposing this change to delete incorrect text relating to outbound linkage trades that was inadvertently included by the Exchange in the previous On-Exchange ORF Filing and merely seeks to correct the description of On-Exchange ORF within the Fee Schedule and reduce potential investor confusion.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change to establish the ORF rate of $0.0220 per contract side is reasonable, equitable, and not unfairly discriminatory because the rate was set commensurate with regulatory costs and thus would help ensure that revenue collected from the ORF under the new methodology, in combination with other

[7] The term ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to the Rule 2000 Series for purposes of participating in trading on a facility of the Exchange and includes an ''Options Participant'' and ''BSTX Participant.'' *See* BOX Rule 100.

[8] *See* Securities Exchange Act Release No. 104984 (March 12, 2026), 91 FR 12851 (March 17, 2026) (SR–BOX–2026–05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt a New Methodology for Assessment and Collection of the Options Regulatory Fee) (''On-Exchange ORF Filing'').

[9] Adjustments to CMTA that occur at OCC would not be taken into account.

[10] Adjustments that were made the same day as the trade on the Exchange will be taken into account.

[11] *See supra* note 5.

[12] 15 U.S.C. 78f(b)(4) and (5).

regulatory fees and fines, would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF, and the proposed ORF rate, to generate revenues that would not exceed 70% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the business side. The Exchange believes further that the proposed ORF rate is equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the ''customer'' range at the OCC. The Exchange believes it is equitable and not unfairly discriminatory to assess the proposed ORF rate to transactions that clear in the ''customer'' range to cover regulatory costs, but not to transactions clearing in the ''firm'' or ''market maker'' range because Clearing Participants and Market Makers [13] (who clear in the Firm and Market Maker range), are generally subject to other Exchange fees, fines and obligations. For example, Clearing Participants and Market Makers are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. As such, the Exchange believes the proposed ORF rate is reasonable, equitable, and not unfairly discriminatory.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset options regulatory costs. As described above, unlike other options exchanges, all of the Exchange's expenses support the regulatory function as the Exchange is a fully separate legal entity from BOX Options Market LLC, the equity options facility of the Exchange. The Exchange fulfills the regulatory functions and responsibilities as a national securities exchange registered with the SEC under Section 6 of the Securities Exchange Act of 1934, and oversees the BOX Options Market. Exchange expenses are solely regulatory in nature because, due to the unique structure between the Exchange and the BOX Options Market facility, the Exchange expenses are separate from the BOX Options Market facility expenses and there can be no commingling of the funds. Put another way, all of the Exchange's expenses support the regulatory function of BOX Exchange because the Exchange expenses are completely separate from the BOX Options Market facility expenses. The ORF is designed to cover a material portion of these regulatory costs to the Exchange, including the supervision and regulation of its Participant's customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

The Exchange believes further that it is equitable and not unfairly discriminatory to assess the On-Exchange ORF to all Exchange transactions that clear in the ''customer'' range at the OCC. Similar to ORF today, the Exchange believes On-Exchange ORF ensures fairness by assessing a specific fee to those Participants that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a Participant) benefit from the protections of a robust regulatory program including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the ''customer'' range to cover regulatory costs, but not to transactions clearing in the ''firm'' or ''market maker'' range because Clearing Participants and Market Makers (who clear in the Firm and Market Maker range), are generally subject to other Exchange fees, fines and obligations. For example, Clearing Participants and Market Makers are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to Participants and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that Clearing Participants from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers in particular are subject to various quoting and other obligations to ensure that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to better manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in ''customer'' range volume generally, regulating customer trading activity is more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff and travel expenses), as well as investigations into customer complaints and terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* Clearing Participant proprietary transactions) of its regulatory program.

The Exchange will continue to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues will exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange may adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Participants of adjustments to the ORF via a Regulatory Notice at least 30 days prior to the effective date of the change.

Lastly, the Exchange is also proposing to amend Section II. (Regulatory Fees) of the Fee Schedule to delete the text providing, ''The ORF is not assessed on outbound linkage trades.'' The Exchange believes the proposed change is reasonable and appropriate because it deletes incorrect text relating to outbound linkage trades that was inadvertently included by the Exchange in the previous On-Exchange ORF Filing and merely seeks to correct the description of On-Exchange ORF within the Fee Schedule and reduce potential investor confusion.

[13] The term ''Market Maker'' means an Options Participant registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in the Rule 8000 Series. All Market Makers are designated as specialists on the Exchange for all purposes under the Exchange Act or Rules thereunder. *See* BOX Rule 100.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because this collection accounts for customer executions, which will be capped at 70% of options regulatory costs. Further, the Exchange will review the ORF regulatory revenue and would amend the ORF if it finds that its ORF regulatory revenue exceeds its projections.

The proposed changes to ORF do not impose an undue burden on inter-market competition because ORF is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange notes, however, the proposed change is not designed to address any competitive issues. The Exchange is obligated to ensure that the amount of ORF regulatory revenue, in combination with its other regulatory fees and fines, does not exceed options regulatory cost.

The Exchange also does not believe the proposed change to amend Section II. (Regulatory Fees) of the Fee Schedule to delete the incorrect text relating to outbound linkage trades will have any unnecessary or inappropriate burden on competition because this change will apply equally to all Participants, and it is correcting an error made by the Exchange in the On-Exchange ORF Filing, and thus seeks to correct the Fee Schedule and reduce potential investor confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [14] and Rule 19b–4(f)(2) thereunder,[15] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BOX–2026–16 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–BOX–2026–16. 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–BOX–2026–16 and should be submitted on or before August 5, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

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[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105877; File No. SR–CBOE–2026–061]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend its Rules To Permit the Listing of Binary Options Overlying Key Performance Indicators (''KPIs'') Reported by Certain Issuers of Stock (''Binary KPI Options'')

July 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 30, 2026, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Rules to permit the listing of binary options overlying key performance indicators (''KPIs'') reported by certain issuers of stock (''binary KPI options''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/cone/*), 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Rules to permit the listing of binary options overlying key performance indicators (''KPIs'') reported by certain issuers of stock (''binary KPI options'').

By way of background, binary options are based on the same framework as traditional, standardized options traded on the Exchange, except the payout of a binary option is an amount contingent upon the occurrence of the option being in- or at-the-money rather than the degree to which the option is in-the-money. As a result, payout at expiration of a binary option is an all-or-nothing occurrence.

Under current Exchange Rules, the Exchange may list binary options on broad-based indexes.[3] The Exchange proposes to amend its Rules to permit the listing of binary KPI options. Binary KPI options are European-style, cash-settled options contracts listed on an underlying KPI of an issuer whose exercise settlement value is determined not by the market price of the issuer's stock, but by whether a specific financial or operating metric reported by the issuer in an earnings-related filing submitted to the U.S. Securities and Exchange Commission (the ''Commission'') meets or exceeds a pre-specified strike level.

First, the Exchange proposes to adopt Chater [sic] 4, Section I (Binary KPI Options) to describe binary KPI options. The Rules in proposed Chapter 4, Section I apply only to binary KPI options. All other Rules apply to the trading of binary KPI options, except as otherwise provided or the context otherwise requires.

The Exchange proposes to adopt Rule 4.80 (Definitions). Like other standardized options, binary KPI options have standardized terms that are established by the Exchange. Standardized terms for binary KPI options include the exercise criteria that is the condition or criteria of a binary KPI option, the exercise settlement amount (*i.e.,* payout amount), strike prices, expiration dates, settlement type as A.M.-settlement or P.M.-settlement, the settlement style (as European), and the requirements used to determine if the KPI condition or criteria of a binary KPI option has been met (the ''payout determination requirement'').[4] The Exchange proposes to establish these terms in new Rule 4.80 and additional provisions in proposed Chapter 4, Section I, as described below.

The Exchange proposes to define a ''binary KPI option'' in new Rule 4.80 as a cash-settled option contract listed on an underlying KPI of an issuer with an exercise settlement amount that is established at the creation of the option and with a settlement value that is determined by whether a specific KPI disclosed by the issuer in an earnings-related filing submitted to the Commission meets or exceeds its exercise price. Binary KPI options are paid out if the reported value of the applicable KPI (1) equals or is greater than (as the payout determination requirement) the exercise price for a call binary KPI option or (2) is less than (as the payout determination requirement) the exercise price for a put binary KPI option.[5] The Exchange also proposes to provide that unless the context dictates otherwise, the terms underlying security, equity, or index, or any variations of these terms, in the Rules mean KPI for purposes of binary KPI options.

The Exchange proposes to define a ''call binary KPI option'' as an option contract that returns an exercise settlement amount if the settlement value of the underlying KPI is at or above the exercise price at expiration (*i.e.,* in- or at-the-money).[6]

The Exchange proposes to define ''exercise price'' (also referred to as ''strike price'') as the value[7] to which the settlement value of the underlying KPI is compared to [sic] the exercise settlement amount.[8] For binary KPI options, the exercise price is the exercise threshold of an option contract that establishes a number, value, or measure that is compared against the price of the settlement value of the underlying index or the KPI to determine if the cash payout amount (*i.e.,* the exercise settlement amount) will be paid out. In other words, binary options will have a threshold number as the exercise price that will be used to determine if the exercise criteria of the binary option has been met and the option will be exercised (and if holders will receive the cash payout amount). For binary KPI options, the exercise threshold will be a number that reflects or is compared to the underlying KPI of the binary option.

The Exchange proposes to define the term KPI (or ''key performance indicator'') as a key financial or operating metric disclosed by an issuer in its earnings-related filings submitted to the Commission (*i.e.,* Form 8–K, Form 10–Q, or Form 10–K, as applicable).

The Exchange proposes to define ''put binary KPI option'' as an option contract that returns an exercise settlement amount if the settlement value of the underlying KPI is below the exercise price at expiration (*i.e.,* in-the-money).[9]

The Exchange proposes to define ''settlement value'' as the value of the underlying KPI that is used to determine whether a binary KPI option is in-, at-, or out-of-the-money.[10] The proposed definition specifies that the ''settlement value'' is the value of the applicable KPI as disclosed in the applicable issuer's earnings-related filing submitted to, the Commission on [sic] applicable expiration date (for both A.M.-settled and P.M.-settled binary KPI options).[11] The Exchange designates the applicable KPI and the relevant reporting period (for example, a calendar quarter) at the time of listing a binary KPI option. Proposed paragraph (b) of the settlement value definition provides if the applicable KPI is not reported or otherwise unavailable on the expiration date (and will not be reported),

[3] The Exchange has a separate rule filing pending to permit the Exchange to list binary index options on the Cboe Magnificent 10 Index. *See* Securities Exchange Act Release No. 105247 (April 15, 2026), 91 FR 21045 (April 20, 2026) (SR–CBOE–2026–032) (the current version of the filing permits listing binary index options on any index; however, the Exchange intends to amend the filing to limit the scope to the Cboe Magnificent 10 Index). For purposes of this rule filing, the Exchange has deemed rule changes proposed in SR–CBOE–2026–032 (including proposed amendments) as approved. To extent that the rule changes within that filing are not timely approved, the Exchange will update this filing accordingly.

[4] This is the term used in the options disclosure document related to binary KPI options (currently pending Commission review) as required by Rule 9b–1 under the Securities Exchange Act of 1934 (the ''Act'').

[5] This is substantially similar to the definition of binary index option in current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032).

[6] This is substantially similar to the definition of call binary index option in current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032).

[7] The value of an exercise price is measured in the applicable units of the KPI. For example, some KPIs are measured in U.S. dollars while others may be measured in percentages or numbers.

[8] This is substantially similar to the definition of exercise price with respect to binary index options in current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032).

[9] This is substantially similar to the definition of put binary index option in current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032).

[10] This is substantially similar to the definition of settlement value with respect to binary index options in current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032).

[11] While the timing of an issuer's official announcement informs whether the Exchange will establish a binary KPI option as A.M.-settled or P.M.-settled (as further discussed below), the Exchange will use the KPI value included in an issuer's report submitted to the Commission (and not the press release announcing earnings results, for example) as the settlement value. The Exchange understands, however, these values are generally the same.

settlement (including any payout of the exercise settlement amount) will occur in accordance with the Rules of the Clearing Corporation.[12] The alternative settlement procedures of the Clearing Corporation provide that if the KPI value needed to determine whether a binary KPI option is in-the-money is not available, expiring contracts will be exercised but may result in delivery of an alternative exercise settlement amount. The alternative exercise settlement amount will be the last closing price of the binary KPI option, meaning that the alternative exercise settlement amount may be less than the standard payout amount of $1. For example, if a KPI will not be reported by the KPI issuer, there is expiring open interest on binary KPI options on that KPI, and the last closing price of the binary KPI option was $0.76, the expiring binary KPI options will be exercised and settle at $0.76 rather than $1.00.

Additionally, proposed paragraph (c) of the settlement value definition states if an applicable KPI is restated after the expiration date and settlement of a binary KPI option, the settlement value (and the exercise settlement amount) of the binary KPI option does not change (as set forth in the Rules of the Clearing Corporation). In other words, the value of the applicable KPI as reported by the issuer on the applicable expiration date is final, and the amount paid (or not paid) at settlement will not change, regardless of whether it is later restated by the issuer.

The Exchange proposes to add Rule 4.81 (Designation of Binary KPI Option Contracts) to identify the binary KPI options that may be listed for trading on the Exchange. Pursuant to proposed Rule 4.81(a), the Exchange may from time to time approve for listing and trading on the Exchange any of the following binary KPI options contracts for the following issuers:

Company	*KPI (each financial metric is measured in $ unless otherwise specified)*
Apple, Inc	Earnings per share: diluted; Total net sales; Net sales by category: iPhone; Net sales by category: Services; Net sales by reportable segment: Americas; Net sales by reportable segment: Greater China.
Advanced Micro Devices, Inc	GAAP Diluted earnings per share; GAAP Revenue; Net Revenue: Data Center Segment; Net Revenue: Client and Gaming Segment; GAAP Operating Margin (%).
Alphabet Inc	Diluted net income per share; Revenues; YouTube ads Revenues; Google Cloud Revenues.
Amazon.com, Inc	Diluted earnings per share; Total Net sales; AWS: Net sales; North America: Net sales; International: Net sales; Net Sales: Advertising services.
Bank of America Corporation	Diluted earnings per share; Total Revenue, net of interest expense; Net Interest Income; Provision for credit losses; Net Income.
Citigroup Inc	Diluted earnings per share; Total Revenue, net of interest expense; Net Interest Income; Total Provision for credit losses; Net Income.
Coinbase Global, Inc	Net income per share—Diluted; Total Revenue; Transaction Revenue; Total Trading Volume; Subscription and Services Revenue.
Ford Motor Company	GAAP Earnings per share—Diluted; Total Revenues; Ford Pro Segment: Revenue; Ford Model e Segment: Revenue; Ford Blue Segment: Revenue.
Intel Corporation	GAAP Earnings per share attributable to Intel—diluted; Net revenue; Revenue: Client Computing Group (CCG); Revenue: Data Center and AI (DCAI); Revenue: Intel Foundry; GAAP operating margin (%).
JPMorgan Chase & Co	Earnings per share—diluted; Net revenue—reported; Net Interest Income; Provision for credit losses; Net Income; Net income [sic].
Marathon Digital Holdings, Inc	Earnings (Net loss) per share of common stock—diluted; Revenues; Number of Blocks Won (# Bitcoin (BTC)); Energized Hashrate (EH) (# EH/s); Total Bitcoin Holdings (# BTC); BTC Produced (# BTC); BTC Purchased (# BTC).
Meta Platforms, Inc	Earnings per share: Diluted; Revenue; Family Daily Active People (DAP) (#); Revenue: Advertising; Operating Margin (%); Operating margin (%) [sic].
Microsoft Corporation	Diluted Earnings per Share; Revenue; Intelligent Cloud: Revenue; Microsoft Cloud revenue; More Personal Computing: Revenue.
Netflix, Inc	Earnings per share: Diluted; Revenues; United States and Canada (UCAN): Revenue; Europe, Middle East, and Africa (EMEA): Revenue; Operating Margin (%).
NVIDIA Corporation	GAAP Diluted earnings per share; Revenue; Data Center Revenue; Edge Computing Revenue; Automotive Revenue.
Palantir Technologies Inc	Earnings per share attributable to common stockholders, diluted; Revenue; Net Income; Closed Deals of at Least $1 Million (#).
Robinhood Markets, Inc	Net income attributable to Robinhood common stockholders: Diluted; Total net revenues; Funded Customers (#); Average Revenue Per User (''ARPU''); Robinhood Gold Subscribers (#).
SoFi Technologies, Inc	Earnings per share attributable to common stockholders—diluted; Total net revenue; Total net revenue—Technology Platform; Total net revenue—Financial Services; Total net revenue—Lending.
Space Exploration Technologies Corp	Earnings per share: Diluted; Total Revenues.
Super Micro Computer, Inc	Net income per common share: Diluted; Net sales; Gross Margin (%); Cash flow used in operations; Net Income.
Target Corporation	Diluted earnings per share; Net sales; Food & Beverage Net sales; Apparel & Accessories Net sales; Operating income: Rate (%).

[12] The Exchange notes this proposed provision is similar to Rules 4.13(a)(4) and 5.20(e) (which provide that for index options, in various circumstances that may cause values of securities that are components of the index to not be available for calculation of the index at expiration, the values of those securities (and thus the value of the index) will be calculated in accordance with the Rules and By-Laws of the Clearing Corporation). As further discussed below, the Exchange intends to clear binary KPI options through Cboe Clear US, LLC (''CCUS'') and will submit a separate rule filing to update Exchange Rules to reflect this. Therefore, references in the proposed Rules and this rule filing to Clearing Corporation mean CCUS.

Company	KPI (each financial metric is measured in $ unless otherwise specified)
Tesla, Inc	Net Income per share of common stocks attributable to common stockholders: diluted; Total Revenues; Total Automotive Revenue; Model 3/Y Production (#); Supercharger Connectors (#); Free Cash Flow.
The Walt Disney Company	Diluted earnings per share; Revenues; Entertainment Subscription Video On Demand (SVOD) Operating Income; Revenues: Experiences; Segment operating income: Sports.

The Exchange proposes to add Rule 4.81(b) to clarify that binary KPI options are a separate class from other options overlying the stock of the issuer [13] and are a separate class from other binary KPI options with differently [sic] underlying KPIs for the same issuer. The Exchange believes this is reasonable given that an individual KPI is the specific underlying of binary KPI options, and generally options with different underlyings (*e.g.,* different underlying security or index) are different option classes.

Next, the Exchange proposes to adopt Rule 4.82 (Terms of Binary KPI Option Contracts) to describe the permissible terms of binary KPI option series. Proposed Rule 4.82 provides that binary KPI options listed and traded on the Exchange are designated as to expiration date, exercise price, settlement type, settlement style, exercise settlement amount, contract multiplier, and underlying KPI.[14] After approving a particular binary KPI option class for listing and trading on the Exchange, the Exchange from time to time may open for trading series of options in that binary KPI option class. Proposed Rule 4.82(a) states binary KPI options have European-style settlement, which is consistent with the rules regarding binary index options, as noted above. Proposed Rule 4.82(a) further provides that the Exchange may designate the settlement type for binary KPI options as A.M.-settled or P.M.-settled.[15] Binary KPI options for issuers [16] that disclose their earnings results before the open of Regular Trading Hours (''RTH'') on a given trading day are designated as A.M.-settled binary KPI options, and binary KPI options for issuers that disclose their earnings results after the close of RTH on a given trading day are designated as P.M.-settled binary KPI options. The Exchange notes that the proposed concepts of A.M.-settlement and P.M.-settlement for binary KPI options differ compared to traditional options (as well as binary index options), for which ''P.M.-settled'' generally means that the expiration of an option so designated will settle to the closing price of the underlying security or index value and ''A.M.-settled'' generally means that the expiration of an option so designated will settle to the opening price of the underlying. While different than how these terms apply to standard and binary index options, the Exchange believes the proposed description of A.M.-settlement and P.M.-settlement appropriately reflect the earnings disclosure practices of issuers. Additionally, while the timing of the event that will determine whether the Exchange designates a binary KPI option as A.M.-settled or P.M.-settled is different than that for traditional options and binary index options, the trading hours on expiration dates for each of [sic] A.M.-settled and P.M.-settled binary KPI options are consistent with those of A.M.-settled and P.M.-settled index options (traditional and binary) today.

Proposed Rule 4.82(b) describes permissible expirations for binary KPI options. Specifically, the proposed rule change will permit the Exchange to list series that expire on the date the issuer announces its earnings results for the applicable reporting period (such as calendar quarter). The expiration date for a binary KPI option will be the date on which an issuer discloses the applicable KPI in its earnings results (for example, the date on which it issues an earnings results press release) for the specified reporting period (with the specific expiration date to be finalized when an issuer announces the date on which it will disclose its earnings results for that reporting period).[17] If that date is a Tuesday, Wednesday, Thursday, or Friday and the Exchange is not open for business on that date, the expiration date will be the first business day immediately prior to that day. If that date is a Monday and the Exchange is not open for business on that date, the expiration date will be the first business day immediately following that Monday. The disclosed KPIs relate to a specific reporting period (such as a calendar quarter), which KPIs an issuer publicly announces on a date following the end of that reporting period.

While an expiration date for a binary KPI option will be a specific date, as is the case for traditional options and binary index options, the Exchange's proposed designation of expiration dates for binary KPI options will differ to reflect standard issuer disclosure practices. In some instances, an issuer might not establish the specific date on which it will announce its earnings results for a reporting period until weeks prior to the release date. Consequently, unlike standard equity and index options that have an exact expiration date when strikes are first listed, a binary KPI option will be listed for trading with a placeholder expiration date if the date the KPI information will be released by the issuer is not publicly known. If a placeholder expiration date is required, it will be set as the first trading day that is three months following the date of the prior quarterly release date for a KPI (for KPIs announced quarterly) and six months following the date of the prior semiannual release date for a KPI (for KPIs announced semiannually, if the Commission approves proposed rules that would permit such reporting). Once the KPI issuer announces the release date of the KPI information, the expiration date will be updated as the finalized expiration date of the option

[13] This is substantially similar to current Rule 4.16(c)(1) (and proposed Rule 4.71(b) in SR–CBOE–2026–032), which provides that binary index options are a separate class from other options overlying the same index.

[14] This is substantially similar to current Rule 4.16(c)(2) (and proposed Rule 4.72 in SR–CBOE–2026–032) regarding binary index options.

[15] Most binary index options (as well as many traditional index options) that may be listed on the Exchange may be designated A.M.-settled or P.M.-settled.

[16] The Exchange determines whether an issuer discloses its earnings results before or after the close of RTH on a given trading day based on publicly available information regarding the issuer's disclosure practices.

[17] For example, for a binary KPI option series, the Exchange may designate the reporting period for a series to be the fourth quarter of 2026. The expiration date for that series would be the date on which the applicable issuer establishes as the date it will announce earnings results for that quarter. In accordance with Rule 1.5(a), the Exchange will issue a Notice when the specific expiration date for a binary KPI option is finalized. Additionally, the Exchange will maintain a reference data file for each issuer KPI on which the Exchange lists binary KPI options (as will be described in the Exchange's technical specifications available on its public website), and that reference data file will be updated with the specific expiration date for a binary KPI option once known.

contract. Ultimately, however, the expiration date for a binary KPI option is an issuer's earnings release date at the time the series is listed (even if the exact date is unknown) until expiration.

The Exchange may designate binary KPI option series to expire up to 12 months from the time they are listed and may list up to two expirations at one time for a binary KPI option (per KPI per issuer). The Exchange may open for trading a series of binary KPI options at least one business week prior to the expiration date of a binary KPI option. The proposed permissible expirations for binary KPI options are similar to current Rules. First, the proposed rule change permits the Exchange to list binary KPI options to expire up to 12 months from the time they are listed. Current rules regarding binary index options permit these expirations, in addition to expirations out more than 12 months up to 36 months from the time they are listed.[18] The proposed rule change also limits the Exchange to list up to two expirations at one time for binary KPI options. Therefore, the proposed scope of permissible expirations for binary KPI options is narrower than that permitted for binary index options under current Rules (as previously approved by the Commission).

The proposal to list expirations at least one business week prior to the expiration date of binary KPI option (as well as the proposed language regarding shifting an expiration date to the immediately business day before or after an expiration date that falls on a day the Exchange is not open for business) is substantially similar to current Exchange rules applicable to short term equity options series,[19] as well as the rules of another options exchange applicable to binary equity options.[20] The Exchange believes it is appropriate to permit listing of binary KPI options that expire up to 12 months from the time they are listed to accommodate different issuer reporting periods (including semiannual reporting if the Commission approves recently proposed rules to permit such reporting), as well as to permit the Exchange to list expirations for consecutive calendar quarter periods or for a calendar quarter and annual reporting period at the same time. As discussed above, issuers disclose KPIs in their periodic reports submitted to the Commission.

Proposed Rule 4.82(c) describes the permissible exercise prices (or strike prices) the Exchange may designate for series of binary KPI options. Proposed Rule 4.82(c)(1) describes how the value of exercise prices of binary KPI options are measured. Specifically, the exercise price of each binary KPI option series will be fixed at an amount equal to a value of the underlying KPI. Because the value of certain KPIs may be very large (*e.g.,* billions of dollars), the Exchange proposes that the exercise price value of the underlying KPI will be divided by a scaling factor based on the value of the KPI in the issuer's most recent earnings-related disclosure as of the time a binary KPI option class is listed) as follows:

- if the most recently disclosed KPI value is greater than or equal to one trillion, the exercise price equals that value divided by one trillion (*e.g.,* for such KPIs, an exercise price of 27.00 is equivalent to a KPI value of 27,000,000,000,000.00);
- if the most recently disclosed KPI value is greater than or equal to one billion but less than one trillion, the exercise price equals that value divided by one billion (*e.g.,* for such KPIs, an exercise price of 112.00 is equivalent to a KPI value of 112,000,000,000.00);
- if the most recently disclosed KPI value is greater than or equal to one million but less than one billion, the exercise price equals that value divided by one million (*e.g.,* for such KPIs, an exercise price of 900.00 is equivalent to a KPI value of 900,000,000.00);
- if the most recently disclosed KPI value is greater than or equal to one thousand but less than one million, the exercise price equals that value divided by one thousand (*e.g.,* for such KPIs, an exercise price of 42.00 is equivalent to a KPI value of 42,000.00); and
- if the most recently disclosed KPI value is less than one thousand, the exercise price equals that value and is not divided by a scaling factor (*e.g.,* for such KPIs, an exercise price of 774.00 is equivalent to a KPI value of 774.00).[21]

The Exchange will apply a different scaling factor to newly listed binary KPI option series for a new expiration only after the value of the KPI in the issuer's earnings-related disclosures has a value in a different scaling tier for four consecutive reporting periods or if the Exchange deems it necessary in the interests of a fair and orderly market. Application of a different scaling factor will not affect the exercise prices of any series of the binary KPI options previously opened. For example, if the Exchange begins listing a new class of binary KPI options and the most recently disclosed KPI value for the issuer at the time of that listing was for the third quarter of 2026 and was $892,000, the exercise prices for that class of binary KPI options will be scaled by 1,000, and thus exercise prices of 895, 995, and 1005, would represent $895,000, $995,000, and $1,005,000, respectively. If the issuer discloses a KPI value of $1,020,000 in its fourth quarter 2026 earnings disclosure, the Exchange will continue to list exercise prices scaled by 1,000. If the issuer then discloses KPI values of $1,112,000, $1,237,000, and $1,064,000 for the first, second, and third quarters, respectively, of 2027, the Exchange will begin scaling the exercise prices by 1,000,000 for the fourth quarter 2027 expirations (or for the first quarter 2028 expirations if the Exchange had already listed fourth quarter 2027 expirations prior to the disclosure of the third quarter 2027 KPI value). The Exchange believes this will permit consistency for listing scaled KPI values while allowing the Exchange to update strike prices to reflect long-term changes to an issuer's KPI values.

The Exchange will announce via Exchange notice if the scaling factor applied to a binary KPI options changes (for example, the KPIs will be scaled in billions rather than in millions). Additionally, the Exchange will update this information in the Exchange's technical specifications regarding binary KPI options and reference data file that describes the terms of binary KPI options, both of which will be available on the Exchange's website (customers receive notifications of such updates). This is consistent with how the Exchange provides information regarding product information (including updates) for all options the Exchange lists for trading.

It is possible for a KPI to have a negative value, such as earnings per share (which is equivalent to a loss per share). Proposed Rule 4.82(c)(1)(B) provides the Exchange may list binary KPI options series with exercise prices representing negative KPI values. For these series, the exercise price will equal the absolute value of the KPI and will be scaled as described above. For example, if an issuer's earnings per share in the last reporting period was −$3.52 (and thus was a loss per share), a binary KPI option for such issuer with a strike of 3.58 will reflect an expected loss of $3.58 per share. The Exchange will incorporate into symbology for binary KPI options whether the value of

[18] *See* current Rule 4.16(c)(3) (and proposed Rule 4.72 in SR–CBOE–2026–032).

[19] *See* Rule 4.5(d).

[20] *See* NYSE American, LLC Section 17, Rule 903(b).

[21] When applying the scaling factor, the Exchange will not round the scaled KPI value and instead will truncate the value so the scaled strike price value fits within standard strike listing format.

the strike price is positive or negative, including if the Exchange lists binary KPI option series with both positive and negative strike prices. This is similar to current Exchange practice for index options for which the Exchange lists both A.M.-settled and P.M.-settled series—whether a series is A.M.- or P.M.-settled is built into the symbol, each of which could have the same strike prices listed at the same time. Whether a symbol reflects a positive or negative value will be available on contract specifications as well as the reference data file for the specific binary KPI option on the Exchange's public website.

Proposed Rule 4.82(c)(1) provides the minimum interval between strike prices for binary KPI options series is:

- 0.01 where the strike price is less than 10;
- 0.10 where the strike price is 10 or greater but less than 100;
- 1.00 where the strike price is 100 or greater but less than 1,000;
- 10.00 where the strike price is 1,000 or greater but less than 10,000; and
- 100.00 where the strike price is 10,000 or greater.

As discussed above, while KPI values above 1,000 are generally scaled, there may be circumstances in which the Exchange lists strikes above 1,000 or even 10,000 given the Exchange's proposal to maintain a lower scale level until a KPI value is consistently above a certain level (*e.g.,* above one billion for four consecutive quarters). This may occur when a KPI value is near the top of a scaling range; for continuity, the Exchange will continue listing strike prices using the lower scaling factor and not change to a higher scaling factor until the KPI value is regularly within that higher range. Suppose a KPI value is 995,000,000; in this case, strike prices will be scaled by 1,000,000. Thus, the Exchange may list binary KPI options above and below 995 (995,000,000 divided by 1,000,000). However, it is realistic that the KPI may increase to above 1,000,000,000. As proposed, the Exchange may list strike prices, for example, of 1,000 (representing 1,000,000,000) and above, for expirations until the KPI value is above 1,000,000,000 for four consecutive reporting periods. To reduce confusion, the Exchange would not scale strike prices using different scaling factors within a single expiration (and would not change the scale until the KPI value is consistently at the higher level). Therefore, it is possible the Exchange may list strikes greater than 1,000. Similarly, while strikes above 10,000 may be rare, given the Exchange proposes to maintain a lower scale level until a KPI value is consistently above a certain level (*e.g.,* above one billion for four consecutive quarters, as proposed), depending on market factors and demand, it is possible (although unlikely) the Exchange may determine it is appropriate to list strikes above 10,000 if market factors or expectations signify a significant increase of the KPI value. The proposed strike intervals accommodate the listing of binary KPI options in these circumstances before the Exchange shifts the strike prices for an issuer's KPI to a different scaling level.

The proposed strike intervals are generally consistent with current Exchange Rules for other options, which provide for larger strike intervals as the values of strike prices increase. Given the scaling factor for larger KPI values, it may appear the proposed rule change will permit smaller strike intervals for larger KPI values if those intervals are considered solely on a nominal basis. However, that is not the case if the actual values of the strike intervals are considered. The corresponding actual value of the strike interval for a strike price that was subject to a larger scale value is higher than the actual value of the strike interval for a strike price that was subject to a smaller scale value. For example, suppose a strike price of 950 represents $950 million. The proposed rule change would permit strike intervals of $1.00. However, that $1.00 corresponds to $1,000,000. In other words, if the Exchange listed strikes of 950, 951, and 952, the difference in values of those strikes are $1 million, not $1 (*i.e.,* the strikes represent values of $950,000,000, $951,000,000, and $952,000,000). Similarly, suppose a strike price of 3 represents $3,000,000,000. The proposed rule change would permit strike intervals of $0.01. However, that corresponds to $10,000,000. If the Exchange listed strikes of 3.00, 3.01, and 3.02, the difference in values of those strikes are $10,000,000, not $0.01 (*i.e.,* the strikes represent values of $3,000,000,000, $3,010,000,000, and $3,020,000,000, respectively). As a result, the permissible strike intervals for strike prices representing values in the billions are actually larger than the permissible strike intervals for strike prices representing values in the millions. This is consistent with the general premise underlying current strike intervals that larger strike intervals apply to larger strike values.

Proposed Rule 4.82(d) describes the initial series of a binary KPI option the Exchange may open for trading. Specifically, the Exchange may open for trading one or more binary KPI option series with a fixed KPI value as the strike price, with approximately the same number of strike prices being opened above and below the at-the-money KPI value (*i.e.,* the value of the KPI in the issuer's most recent earnings-related disclosure) at the time the binary KPI options are opened. The Exchange will list strike prices for binary KPI option series that are reasonably close to the at-the-money KPI value at the time of listing. A strike is ''reasonably close'' to the at-the-money KPI value if (1) for KPIs less than or equal to 10, it is no more than 100% above or below the at-the-money KPI value; and (2) for KPIs greater than 10, it is no more than 30% above or below the at-the-money KPI value. The Exchange may also open binary KPI option series that are more than 30% above or below the at-the-money KPI value (if the KPI is greater than 10) provided demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers.[22]

The Exchange may add new series of binary KPI options series when the Exchange deems it necessary to maintain a fair and orderly market or to meet customer demand.[23] To the extent the Exchange lists binary KPI options series for an expiration before then-currently listed binary KPI options expire (and thus before the applicable issuer has disclosed the KPI value for the reporting period immediately preceding the reporting period for these newly listed options), the Exchange may list additional series after the KPI value for the immediately preceding reporting period is disclosed using that disclosed KPI value as the at-the-money KPI. For example, before expiration of a binary KPI options series set to expire on the date of an issuer's disclosure of its third quarter earnings results, the Exchange lists series of that binary KPI option to expire on the date of an issuer's disclosure of its fourth quarter earnings results (using the KPI from the second quarter earnings results as the at-the-money KPI value). After the issuer discloses its third quarter earnings

[22] *See, e.g.,* Rule 4.5(d)(3) and (4) (permissible series for short term equity option series). It is currently uncommon for the Exchange to list series more than 50% away from the at-the-money value of an underlying security for strikes above 20, as permitted by Rule 4.5(d)(3).

[23] Current Rule 4.16(c)(4) (and proposed Rule 4.72(c) in SR–CBOE–2026–032) also provides that additional series of a binary index option may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market or to meet customer demand, and that the opening of a new series of binary index option on the Exchange will not affect any other series of options of the same class previously opened.

results, including the applicable KPI, the Exchange may list additional series for the fourth quarter binary KPI options using the third quarter KPI result as the at-the-money KPI value. Any additional strike prices the Exchange lists will be reasonably close (as defined above) to the at-the-money KPI value at the time of listing.

Continuing the above example, suppose the Exchange lists binary KPI options for the fourth quarter before the binary KPI options for the third quarter have expired. As proposed, the Exchange would list strikes above and below the at-the-money strike, which at the time of listing would be the settlement value KPI from the issuer's second quarter earnings results disclosure, as that is the most recently available KPI. If the KPI for the option was net sales, and the second quarter value was $45.093 billion, the at-the-money strike would be 45.10, and the Exchange could list strikes within 50% of that value, and additional series based on customer demand or market changes. After the Exchange lists those series, the issuer announces its third quarter earnings results, including net sales of $57.241 billion. As proposed, after that announcement, the Exchange may list additional strikes within 50% of $57.24 to reflect the change in value of the underlying (as well as additional series based on customer demand or market changes).

This proposed framework for listing and adding series is similar to the framework in current Rules for listing and adding series of equity options. While the proposed strike intervals are narrower than these rules, the permissible ranges are also narrower. The Exchange acknowledges the proposed framework would still permit the Exchange to list a large number of strikes per KPI per expiration.[24] However, the Exchange intends to apply its standard strike listing practices to binary KPI options. Specifically, the Exchange generally lists strikes at wider intervals as they move farther away from the at-the-money value, while listing more granular intervals for strikes closer to the at-the-money value. The Exchange also generally delists granular strikes that are deep out-of-the-money if the Exchange determines they are sufficiently covered by wider strike intervals that are close in value.

These proposed provisions regarding the listing of binary KPI option series are similar to provisions regarding permissible series of other options. The Exchange believes it is reasonable to list binary KPI options for a new reporting period prior to the expiration of then-listed binary KPI options for the immediately preceding reporting period (*e.g.,* listing binary KPI options for the fourth quarter before expiration of binary KPI options for the third quarter), and thus before the settlement value of the applicable KPI is known for the immediately preceding reporting period for these options, to permit investors to roll positions from one expiration to the next. As proposed, once the settlement value for the immediately preceding reporting period is known (the third quarter in this example), the Exchange may list additional series of the binary KPI options that reflect that KPI value. This is consistent with current practice if there is a change (including a substantial change) in the price of underlying security or value of an underlying index. For example, Rule 4.5(d)(3) provides that the Exchange may open additional series of a short-term option series overlying a security when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened, subject to the ''reasonably close'' parameters set forth in that rule. Disclosure of, as an example, the third quarter KPI value after the fourth quarter binary KPI options series were listed based on the second quarter KPI value (if the third quarter KPI value differs from the second quarter KPI value) is similar to the move in the price of an underlying security, which may result in the Exchange listing additional series based on the updated price of the underlying security. Similarly consistent with current practice for other options (as set forth in Rule 4.5(d)(4), for example), opening of binary KPI options based on this later-disclosed KPI value will not affect any other series of options of the same binary KPI options class previously opened.

Proposed Rule 4.82(g) provides that the contract multiplier for each class of binary KPI options is one.[25]

The Exchange proposes to add new Rule 4.83 (Determination of Settlement Value) to establish that binary KPI options that are ''at-the-money,'' ''in-the-money,'' or ''out-of-the-money'' are a function of the settlement value of the underlying KPI in relation to the type of binary KPI option (*i.e.,* put or call) and the exercise price.[26] As described above, the settlement value for a binary KPI option is the value of the KPI as disclosed in the applicable issuer's earnings related filing. While the timing of an announcement of a KPI value factors into the determination of whether the Exchange lists a binary KPI option as A.M-settled or P.M.-settled, the Exchange will source the settlement value from the filing the issuers [sic] submits to the Commission. Generally, companies issue press releases that contain earnings results and near contemporaneously submit a Form 8–K to the Commission with the press release as an exhibit. Therefore, it is unlikely the value of the KPI in the Commission filing will differ from the value in the initial announcement; however, the value in the Commission filing will be the ultimate settlement value.

Proposed Rule 4.84 (Adjustment) provides that binary KPI option contracts are subject to adjustment only in accordance with and to the extent specified in the Rules of the Clearing Corporation. When any such adjustment has been determined, the Exchange will announce this adjustment, which will become effective as of the time specified in that announcement.[27]

Next, the Exchange proposes to amend Rule 5.1(b)(2)(G), which currently provides that RTH for binary options are the same as RTH for options with the same underlying index, to clarify that this provision applies only to binary index options. The Exchange proposes to add new Rule 5.1(b)(3)(F), which provides that for binary KPI options, RTH are from 9:30 a.m. to 4:00 p.m.[28] Further, the last day of trading for P.M.-settled binary KPI options is the day of expiration, and the last day of trading for A.M.-settled binary KPI options is the trading day prior to expiration.

The Exchange recognizes it is possible, although unusual and unlikely, that KPI information may become available at unexpected times. The proposed rules address the impact on trading and expiration that such disclosure may have. First, the proposed rule change provides if the Exchange confirms an issuer discloses the KPI prior to the expiration date, trading in

[24] *See, e.g.,* Rule 4.5(d)(3) and (4).

[25] This is consistent with the definition of contract multiplier for binary index options in current Rule 4.16 (and proposed Rule 4.70 in SR–CBOE–2026–032), which permits the Exchange to designate a multiplier of at least one for binary index options.

[26] This is substantially similar to current Rule 4.16(e) (and proposed Rule 4.73 in SR–CBOE–2026–032) regarding binary index options.

[27] This is substantially similar to current Rule 4.16(f) (and proposed Rule 4.74 in SR–CBOE–2026–032) regarding binary index options. This is also consistent with how adjustments are handled for traditional equity and index options.

[28] As set forth in Rule 1.6, unless otherwise specified, all times in the Rules (including the proposed Rules) are Eastern Time.

the applicable binary KPI options series will cease, and the expiration date for the option accelerates to a date on or shortly after the date of that disclosure in accordance with the Rules of the Clearing Corporation.[29] This may occur if, for example, the applicable issuer releases the KPI information in advance of the expiration date of the option. If the issuer releases KPI information after the expiration date, which may be the case if, for example, the issuer's earnings are delayed, trading in the option will not be impacted and will cease as of the expiration date. While the expiration date will not change, expiration processing of such options will be delayed until the KPI information becomes available, in accordance with the rules of the Clearing Corporation. Additionally, the proposed rule change provides if there is an unofficial disclosure of the KPI prior to the expiration date, the Exchange may determine to halt (and resume) trading in the applicable binary KPI options series in accordance with Rule 5.20. In certain circumstances, the expiration date for the option may accelerate in accordance with the Rules of the Clearing Corporation; if this occurs, trading in the binary KPI will cease.[30] This proposed provision addresses the unlikely event that KPI information becomes available through sources other than the issuer in advance of the expiration date. If the Exchange determines the KPI information reported from the unofficial source is unreliable, trading in the binary KPI option may resume until it expires.

The Exchange proposes to amend Rule 5.3 (Bids and Offers) to add new Rule 5.3(c), which states that, notwithstanding Rule 5.3(a), bids and offers for a binary option with a multiplier other than 100 must be expressed in terms of dollars per 1/multiplier of the total value of the contract.[31] For example, if a binary option has a multiplier of 1, an offer of ''0.50'' represents an offer of $0.50.

Pursuant to Rule 5.4(c)(1), the Exchange establishes the minimum increment for bids and offers on orders for binary options on a class-by-class basis, which may not be less than $0.01. The Exchange proposes clarifying in this rule that it applies to binary index options (which the Exchange may list pursuant to current Rules) and would apply to binary KPI options as proposed in this rule filing.

The Exchange proposes to amend Rule 5.31 (Opening Auction Process) to add Rule 5.31(d)(1)(D), which provides that for binary KPI options, the System initiates the opening rotation at 9:30 a.m. This is analogous to the opening process currently in place for VIX options, for which the opening rotation is similarly triggered at a specified time.[32]

The Exchange proposes to adopt a maximum execution price protection mechanism for binary options.[33] Specifically, proposed Rule 5.34(d) permits the Exchange to apply a maximum execution price protection for binary options on a class basis, pursuant to which the System adjusts any execution price for a binary option above the Exchange-designated maximum execution price for that class down to that maximum execution price. For example, suppose for a binary KPI option class the Exchange designates $1.03 as the maximum execution price. If the System observes a binary KPI option execution in that class at $1.10, the System adjusts the execution price to $1.03. Binary options have a maximum value equivalent to the exercise settlement amount (*i.e.,* the payout amount). Therefore, the Exchange believes it is reasonable to prevent executions from occurring at prices significantly above that maximum value, as it protects investors from execution prices that are potentially erroneous.

While binary options have a maximum intrinsic value (*e.g.,* binary KPI options have a maximum intrinsic value of $1, which is the exercise settlement amount), there are costs involved with options trading that may cause investors to execute these options at prices higher than that value. Suppose a customer wants to buy a binary option that is close to expiration and is deep in-the-money. While the intrinsic value of this binary option is $1, and likely to payout $1, a Market-Maker would need to receive more than $1 to accommodate the sale of this binary option to cover additional trading expenses, such as transaction and clearing fees. Therefore, the Exchange believes allowing execution prices above the intrinsic value is appropriate.

The Exchange proposes to amend Rule 6.5 (Nullification and Adjustment of Option Transactions Including Obvious Errors), Interpretation and Policy .04, which is specific to binary options and which currently provides that, for purposes of the obvious error provisions in Rule 6.5(c), the adjusted price (including any applicable adjustment under Rule 6.5(c)(4)(A) for non-customer transactions) will not exceed the applicable exercise settlement value for the binary option. The Exchange proposes to amend this rule to clarify that this provision applies to binary index options. Further, the Exchange proposes to add Rule 6.5, Interpretation and Policy .10, which provides that Rule 6.5 does not apply to binary KPI options. While the obvious error provisions set forth in Rule 6.5 will not be applicable to binary KPI options, the Exchange believes the proposed maximum execution price protection in Rule 5.34(d) may prevent executions at potentially erroneous prices and thus obviate the need for an obvious error process.

The Exchange proposes to amend Rule 6.20(g) (Exercise of Options Contracts) to describe the automatic exercise feature of binary KPI options. Current Rule 6.20(g) describes the automatic exercise of binary index options. The proposed rule change moves the current provision to proposed subparagraph (g)(1) (and clarifies it applies to binary index options). The proposed rule change then adds Rules 6.20(g)(2) to add a similar provision for binary KPI options, which states that binary KPI options will be automatically exercised at expiration if the settlement value of the underlying KPI is equal to or greater than the exercise price of a call binary KPI option or less than the exercise price in the case of a put binary KPI option.

The Exchange proposes to amend Rule 8.36 (Position Limits for Binary Options) to set forth position limit requirements for binary KPI options.[34] The Exchange proposes to adopt Rule 8.36(a)(iii) to provide that in determining compliance with Rule 8.30 (Position Limits), the position limit for binary KPI options is the same as the

[29] The proposed acceleration of binary KPI options is similar to the existing acceleration process for equity options when the underlying security of such options has been converted entirely to cash. *See* OCC Rule 807.

[30] Rule 5.20(a) provides that any two Floor Officials, in consultation with a designated senior executive officer of the Exchange, may halt trading in any security in the interests of a fair and orderly market and to protect investors considering relevant factors.

[31] The Exchange notes this would apply to all binary options, not just binary KPI options, as current Rule 4.16(b) (and proposed Rule 4.70 in SR–CBOE–2026–032) permits binary options to have multipliers of at least one.

[32] *See* Rule 5.31(d)(1)(C).

[33] The Exchange notes this would apply to all binary options, including both binary index options and binary KPI options.

[34] As part of the proposed change, the Exchange proposes to clarify that current fixed position limit provisions in proposed Rule 8.36(a)(1) (current Rule 8.36(a)), and the formulaic position limit provisions in proposed Rule 8.36(a)(2) (current Rule 8.36(b)), apply to binary index options. The proposed rule change also updates the paragraph lettering for current Rules 8.36(c) through (f) to reflect revised paragraph numbering.

applicable position limit for the stock of the issuer per expiration and 100 binary KPI option contracts equal one standard option contract.[35]

The Exchange also proposes to amend current Rule 8.36(c) (proposed Rule 8.36(b)), which currently states that positions in binary index options on the same index that have different exercise settlement amounts are aggregated. The Exchange proposes to amend the rule to clarify that this provision applies to binary index options (as proposed Rule 8.36(b)(1)). Further, the Exchange proposes to adopt Rule 8.36(b)(2) to provide that positions in binary KPI options on the same KPI that have different expiration dates are not aggregated (as proposed position limits are calculated per expiration), and positions in binary KPI options for the same issuer with different underlying KPIs are not aggregated (as binary KPI options overlying different KPIs, even for the same issuer, are different classes, as discussed above). The Exchange proposes to amend current Rule 8.36(d) (proposed Rule 8.36(c)) relating to the aggregation of binary options positions with non-binary option contracts for purposes of position limits. The Exchange proposes to clarify that the current provision (as proposed Rule 8.36(c)(1)) applies to binary index options. The Exchange proposes to adopt Rule 8.36(c)(2) to provide that binary KPI options are not aggregated with non-binary options contracts overlying the stock of the issuer or with binary KPI options for the same issuer with different underlying KPIs. Finally, the Exchange proposes to amend the hedge exemption provision in current Rule 8.36(f) (proposed Rule 8.36(e)).[36] As proposed, with respect to binary KPI options, a binary KPI option short put position coupled with a binary KPI option short call position, regardless of the binary KPI option strike, shall be exempt from the established position limits as prescribed in Rule 8.36.

The Exchange also proposes to amend Rule 8.43 (Reports Related to Position Limits). Current Rule 8.43(a) states that in a manner and form prescribed by the Exchange, each Trading Permit Holder (''TPH'') shall report to the Exchange, the name, address, and social security or tax identification number of any customer who, acting alone, or in concert with others, on the previous business day maintained aggregate long or short positions on the same side of the market of 200 or more contracts of any single class of option contracts dealt in on the Exchange. The Exchange proposes to amend Rule 8.43(f) to provide that for purposes of this report, 100 binary KPI option contracts equal one standard option contract. The Exchange believes this is reasonable given that binary KPI options have a multiplier of 1 while standard equity option contracts have a multiplier of 100.[37]

Except as otherwise described above, all binary KPI options will be listed and traded on the Exchange in a substantially similar manner as standard equity and index options and binary index options are permitted to be listed and traded under current Rules. The Rules that apply to the listing and trading of non-binary options on the Exchange, including those related to customer accounts, margin requirements (pursuant to current margin rules, binary KPI options will be fully funded),[38] and trading halt procedures,[39] which are designed to prevent fraudulent and manipulative acts and practices, will apply to the listing and trading of binary KPI options. The Exchange has analyzed its capacity and represents that it believes the Exchange has the necessary systems capacity to handle any potential additional message traffic associated with the listing of binary KPI options.

At launch, binary KPI options will be supported for electronic trading only and for complex orders;[40] FLEX and floor trading will not be available. The Exchange will support Automated Improvement Mechanism (''AIM'') and Complex-AIM (''C–AIM'') auctions as well as Complex Order Auctions (''COA'') for binary KPI options at launch.[41] The Exchange will not apply Preferred Market-Maker (''PMM''), Designated Primary Market-Maker (''DPM''), or small-size order entitlement overlays at launch.[42]

With respect to order types and times-in-force, at launch, the Exchange will support limit orders[43] with Time-in-Force of Day or Immediate-or-Cancel (''IOC''). With respect to order instructions,[44] the Exchange will support the following at launch: Attributable and Non-Attributable; Book Only; Cancel Back; orders marked with Match Trade Prevention identifiers (''MTPs'') Cancel Newest (''MCN''), MTP Cancel Oldest (''MCO''), MTP Decrement and Cancel (''MDC''), MTP Cancel Both (''MCB''), MTP Cancel Smallest (''MCS''); Minimum Quantity; Post Only;[45] Price Adjust; Reserve; and Stop-Limit. All other order types, order instructions, or times-in-force will not be supported at launch; however, per current Rule 5.6, the Exchange may determine to support additional order types, order instructions, or times-in-force on a class-by-class basis. Consistent with current practice, if the Exchange modifies the applicability of any functionality or order instructions for binary KPI options, it will notify TPHs in accordance with Rule 1.5(a) (such as by Exchange notice).

The Exchange will send quotation and transaction price information for binary KPI options to The Options Price Reporting Authority (''OPRA'') in the same manner it sends this information to OPRA for all other options the Exchange lists. Additionally, the Exchange understands from OPRA that it will disseminate information regarding binary KPI options in the same manner it does for all other

[35] This is similar to other Rules regarding how positions in contracts with multipliers other than 100 are counted for purposes of determining compliance with Rule 8.30. *See, e.g.,* Rule 8.30, Interpretation and Policy .08 (regarding mini-option contracts, which have a multiplier of 1).

[36] As per current Rule 8.36(f), binary options are not subject to the hedge exemption to the standard position limits found in Rule 8.30. As part of the proposed rule change, the Exchange proposes to clarify current hedge exemption provisions specific to binary index options and to move provisions specific to binary index options to Rule 8.36(e)(1). The Exchange proposes to renumber current Rule 8.36(f)(1), (2), and (3) as Rule 8.36(f)(1)(A), (B), and (C), respectively.

[37] This is consistent with the proposed rule change discussed above that 100 binary KPI option contracts equal one standard option contract for purposes of determining compliance with Rule 8.30.

[38] *See* Rule 10.3(m).

[39] Binary KPI options will not be tied to the trading state of the underlying issuer stock and thus, trading in binary KPI options will not be affected by halts in the underlying issuer stock. The binary KPI options will halt in accordance with current Exchange Rules, including Rules 5.20 and 5.22.

[40] Complex order functionality will apply to binary KPI options in the same manner as all other options that trade on the Exchange, as described in Rule 5.33 (this will include the ability to leg into the simple Book).

[41] As per current rules, the Exchange may designate binary KPI options eligible for additional auction types in the future. *See, e.g.,* Rule 5.39 (Solicitation Auction Mechanism (''SAM'' or ''SAM Auction'')), Rule 5.40 (Complex Solicitation Auction Mechanism (''C–SAM'' or ''C–SAM Auction'')), Rule 5.35 (Step Up Mechanism (''SUM'')).

[42] *See* Rule 5.32(a)(2).

[43] *See* Rule 5.6(b) for definition of ''limit order''.

[44] *See* Rule 5.6(c) for definitions of order instructions.

[45] The Exchange intends to make the Post Only instruction available as it understands Market-Makers use this instruction on their quotes so those quotes do not trade against resting interest (Rule 5.5(c)(3)(A) requires quotes (*i.e.* bulk messages) to be designated as Post Only or Book Only). Market-Makers generally send quote updates regularly and frequently, as their quoting systems update quotes to reflect market factors. The Post Only instruction eliminates the risk that one Market-Maker's quote update would execute against, for example, another Market-Maker's quote update that another Market-Maker may have sent but has not yet reached the Book. The Post Only instruction ultimately supports Market-Maker's primary function, which is to add liquidity to the Book.

options the Exchange lists. The Exchange intends to follow OPRA's standard capacity monitoring process for binary KPI options (in accordance with OPRA instructions), which includes submission of quarterly capacity projections (the Exchange will include its projected binary KPI option volume in the applicable submission). Further, the Exchange understands from OPRA that no technical changes are required to accommodate the reporting to OPRA of quotation and transaction information regarding binary KPI options (the Exchange represents, if later required by OPRA, it will adhere to any new technical requirements OPRA deems necessary to accommodate binary KPI options).[46] The Exchange does not believe TPHs will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with binary options and the effect (if any) of binary options on market fragmentation and the capacity of the Exchange's automated system. Certain provisions of the OPRA Plan regarding voting if there is a tie in a Management Committee vote, as well as the allocation of costs and resources, relate specifically to volume cleared at OCC. The Exchange will take steps necessary and within its authority to amend these provisions of the OPRA Plan to reflect all listed options volume cleared by any registered clearing agency, including volume that will be cleared by Cboe Clear U.S. LLC (''CCUS'') (as discussed below).

Today, the Exchange has an adequate surveillance program in place for options. The Exchange intends to apply the same program procedures to binary KPI options the Exchange applies to its other options products. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority, Inc. (''FINRA'') for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.[47] All options exchanges are also parties to the Options Regulatory Surveillance Authority plan under Regulation NMS Rule 608, pursuant to which FINRA conducts options-related insider trading surveillance, investigations, and enforcement for the U.S. options markets. The Exchange believes its existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed binary options. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of binary KPI options, including cooperation with FINRA to implement insider trading surveillances to incorporate the unique characteristics of binary KPI options. The Exchange will report any information regarding binary KPI options required to be reported to the Consolidated Audit Trail (''CAT'') in the same manner it reports this information to CAT for all other options the Exchange lists.[48] The Exchange understands from FINRA CAT—the administrator of the CAT—that no technical changes are required to accommodate the reporting to CAT of information regarding binary KPI options (the Exchange represents, if later required by FINRA CAT, it will adhere to any new technical requirements FINRA CAT deems necessary to accommodate binary KPI options).

Pursuant to the Options Order Protection and Locked/Crossed Market Plan (''Linkage Plan''),[49] participant exchanges to the Linkage Plan established a framework to provide order protection. The Linkage Plan (and Exchange Rules 5.65 through 5.67 regarding intermarket linkage) applies during all trading sessions during which multiply listed options trade. Rule 5.36 addresses order routing away from the Exchange to promote compliance with the Linkage Plan. If the proposed binary KPI options become multiply listed options, Users may designate an order for routing (or not available for routing), and the Exchange System is designed to, at all times, prevent trade-throughs and avoid displaying locked/crossed markets in accordance with the Linkage Plan (and Exchange Rules 5.65 through 5.67 regarding intermarket linkage).

Upon launch, binary KPI options will clear through CCUS. CCUS is seeking temporary registration as a registered clearing agency under Section 17A of the Securities Exchange Act of 1934 (the ''Act'') and to update its rules to accommodate the clearing of binary KPI options. Additionally, the Exchange is drafting an options disclosure document to describe the characteristics and risks associated with the trading of binary options, including binary KPI options, in accordance with Rule 9b–1 under the Act.[50] In connection with the clearing of binary KPI options through CCUS, the Exchange will submit a separate rule filing to reflect that these options will be cleared initially by CCUS (as the Rules currently contemplate clearing through The Options Clearing Corporation (the ''OCC'')). Further, the Exchange understands FINRA will need to submit a separate rule filing to similarly reflect the clearance of options through CCUS (and potentially make other changes to contemplate the trading of binary KPI options). The Exchange represents it will not list for trading binary KPI options until all applicable filings and documents of CCUS and FINRA related to binary KPI options being cleared through CCUS are approved by the Commission or effective after review by the Commission, as applicable.

The Options Listings Procedure Plan (the ''OLPP'') sets forth procedures to facilitate the listing and trading of standardized options. This plan

[46] The Exchange understands OPRA may need to update how it disseminates open interest information for binary KPI options, as its current process incorporate information from OCC. The Exchange and CCUS are working with OPRA to implement a process to provide OPRA with binary KPI option open interest so OPRA may incorporate it into its dissemination process.

[47] Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization (''SRO'') registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO (''common members''). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

[48] CAT reporting requirements will apply to broker-dealers with respect to binary KPI options in the same manner as they apply to any other options the Exchange lists. The Exchange understands from FINRA CAT there will be no changes to the reporting specifications for broker-dealers to accommodate the reporting of information regarding binary KPI options to CAT.

[49] The Linkage Plan requires U.S. options exchanges to establish a framework for providing order protection and addressing locked and crossed markets in eligible options classes. The Linkage Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder. The full text of the Linkage Plan is available at *https://www.theocc.com/getcontentasset/7fc629d9-4e54-4b99-9f11-c0e4db1a2266/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/options_order_protection_plan.pdf.*

[50] 17 CFR 240.9b–1.

currently describes procedures with respect to options issued by and cleared at OCC. The Exchange will take steps necessary and within its authority to amend the OLPP to reflect listing procedures applicable to options that will [sic] cleared by CCUS, including binary KPI options.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[51] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [52] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [53] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Binary KPI Options Are Securities

As an initial matter, the Exchange believes that the binary KPI options proposed herein are ''securities'' under the Act.[54] The Act defines the term ''security'' to include ''any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof).'' [55] As discussed above, the Commission has already approved Exchange Rules addressing binary options that are based on securities indexes, and the binary KPI options will operate in substantially the same manner as these binary options but with a different underlying. Moreover, the reasons previously articulated by the Commission when determining that credit default options (''CD options'') are securities and approving CD options to be listed on the Exchange apply to the binary KPI options as well.[56]

Like the previously approved binary options and CD options, the binary KPI options contracts proposed herein satisfy the definition of ''security'' in the Act because they are options that are ''based on the value [of a security or securities] or ''any interest therein.'' [57] The proposed KPIs, including net income, net sales, net interest income, provision for credit losses, and specified expense metrics, are recognized by investment professionals and analysts as among the most significant inputs into the valuation of an issuer's stock; therefore, a binary option with such an underlying KPI is based on the value of the security to which the KPI relates. As the CFA Institute has observed, fundamental financial metrics (including revenue, earnings, and net income) serve as the primary inputs to equity valuation models used by investment professionals to determine the intrinsic value of a company's shares.[58]

The proposed rule change would apply to certain KPIs—primarily financial metrics such as revenue, earnings and income—of specified issuers that are disclosed in required Commission reports (*i.e.,* those reports that provide investors with information about the issuer that the issuer considers to be material to making an investment decision with respect to that issuer's securities). These KPIs are disclosed in earnings-related filings submitted to the Commission because they are material to investors in evaluating the value of the underlying stock. Indeed, the Commission noted in its recent proposal to permit issuers to submit semiannual reports rather than quarterly reports that ''[i]n addition to protecting investors, greater availability of material information allows securities prices to better reflect their issuers' fundamental value and ultimately promotes capital formation as issuers have access to lower cost of capital and investors in those issuers' securities have access to higher liquidity.'' [59] Therefore, the Commission recognized that the value of securities is based, in part, on material information—such as KPIs disclosed in earnings-related filings. A binary option whose payoff is contingent on whether an issuer achieves one of the KPI thresholds identified in the proposed rule change is therefore an instrument whose payoff depends on information that directly influences the intrinsic value of the issuer's security and that the market uses as a basis for pricing the security itself. An option that is based on one or more of the proposed KPIs is, therefore, ''based on the value of'' that issuer's security within the meaning of the Act.

The binary KPI options the Exchange is proposing to use as underlyings [sic] those KPIs for certain public company issuers that are (i) included in those issuers' financial reports filed with the Commission and (ii) important to a determination of the value of the issuers' stock. Issuers frequently include KPIs and metrics material to the financial condition and results of operations of the company in reports and registration statements filed under both the Act and the Securities Act as part of the disclosure requirement in Management's Discussion and Analysis of Financial Condition and Results of Operations (''MD&A'').[60] The relevant

[51] 15 U.S.C. 78f(b).

[52] 15 U.S.C. 78f(b)(5).

[53] *Id.*

[54] For the same reasons discussed herein, the Exchange believes the binary KPI options contracts are also ''securities under the Securities Act of 1933, as amended. *See* 15 U.S.C. 78b(a)(1).

[55] 15 U.S.C. 78c(a)(10). *See also Caiola* v. *Citibank*, N.A., New York, 295 F.3d 312, 325 (2d Cir. 2002), quoting *United housing Foundation* v. *Foreman*, 421 U.S. 837, 848 (1975) (''In searching for the meaning and scope of the work 'security' . . . the emphasis should be on economic reality'').

[56] *See* Securities Exchange Act Release No. 55871 (June 6, 2007), 72 FR 32372 (June 12, 2007) (SR–CBOE–2006–84) (order approving the Exchange's proposal to adopt CD options) (''CD Options Approval'').

[57] The Commission has confirmed on numerous occasions that the term ''security'' includes options that are based on the value of securities or that are interests in securities. *See, e.g.,* CD Options Approval, at 32376–77 (concluding that CD options ''are options 'based on the value [of a security or securities]' and, therefore, securities'' and that credit default options ''are options on an 'interest in,'' or based on the value of an interest in, a security or securities within the meaning of Section 3(a)(10) of the Act'') (brackets in original); *In the Matter of EZTD,* Securities Exchange Act Rel. No. 79292 (Nov. 10, 2016) (finding that ''[a]ll of the binary options that EZTD offered and sold to U.S. customers, however, are options based on the value of a security or index of securities, and thus are securities under the [definitions in the Securities Act and the Exchange Act]'').

[58] *See, e.g.,* discussion in CFA Institute Member Survey Report, 2018, available at *https://www.cfainstitute.org/sites/default/files/-/media/documents/survey/key-performance-indicators-survey.pdf* and May 1, 2025 Comment letter on FASB Invitation to Comment—Financial Key Performance Indicators for Business Entities (file reference no: 2024–ITC100): *https://rpc.cfainstitute.org/sites/default/files/docs/comment-letters/fasb-financial-kpis-itc-response.pdf* (''Alternative performance measures (APMs), which include Financial KPIs and non-financial KPIs (*e.g.,* same-store sales, average revenue per user) are of such importance that investor organizations have proposed a dedicated standard setting board for them.'' p. 2.)

[59] *See Semiannual Reporting,* Securities Exchange Act Release No. 105368, at 66 (May 5, 2026).

[60] *See, e.g.,* Item 303 of Regulation S–K. 17 CFR 229.303. ''The objective of the discussion and analysis is to provide material information relevant to an assessment of the financial condition and results of operations of the registrant including an evaluation of the amounts and certainty of cash flows from operations and from outside sources,'' and the MD&A discussion and analysis ''must be of the financial statements and other statistical data that the registrant believes will enhance a reader's understanding of the registrant's financial

obligation ''requires disclosure of information not specifically referenced in the item that the company believes is necessary to an understanding of its financial condition, changes in financial condition and results of operations,'' which can include KPIs.[61] In providing guidance to issuers on the use of KPIs in their MD&A disclosure, the Commission observed that ''[w]hen proposing the current MD&A framework, the Commission noted that '[f]or each business, there is a limited set of critical variables which presents the pulse of the business.' '' [62] Due to their importance, certain KPIs directly inform an investor's assessment of the valuation of an issuer's stock.[63]

To qualify as a ''security'' under the Act, an option need not be restricted only to referencing the specific dollar value of a security. When approving the Exchange's listing of CD options, the Commission concluded that the CD options were ''securities'' even though the CD options ''do not share every feature of a classic option.'' [64] In determining that CD options are ''based on the value [of a security or securities]'' and, therefore, that they are securities, the Commission stated that CD options ''expressly reference in their payout conditions a term of an underlying security that is material to the value of that security.'' [65] This is also the case with the binary KPI options identified in the proposal: the KPIs selected are ''material to the value'' of a particular security, and payouts of binary KPI options are conditioned on those terms. Indeed, the nexus between the proposed KPIs and the value of the underlying security is, if anything, more direct than in the case of CD options. Whereas CD options reference a credit event (a contingency that may or may not affect the market value of the reference security depending on recovery rates and market conditions), binary KPI options reference the issuer's actual reported financial or operating performance, and are the metrics investors consider when determining the value of a stock. Unlike an exogenous event that merely holds the potential to trigger potential financial consequence for a security, each of the proposed KPIs (whether measured at the consolidated or segment level) ultimately constitutes a material component of the issuer's financial results that itself forms the basis for investors' measurements of a company's (and its stock's) intrinsic value.

Certain KPIs in the proposal (including, for example, those based on earnings per share), also result in those binary KPI options being options based on an ''interest in,'' or based on the value of an interest in, a security or securities within the meaning of Section 3(a)(10) of the Act. In the CD Options Approval, the Commission observed that ''[a] security is a collection of rights (and obligations) running between the issuer and the holder of the security'' and that ''[t]he concept of an 'interest in' a security plainly includes rights generating a pecuniary interest in a security, such as the right to a dividend payment or bond (coupon) payment.'' [66] The Commission stated that, for CD options, it was ''important to note that merely because the option does not transfer ownership of the interest or right in a security—but instead becomes in-the-money and provides a cash payment if certain security rights are triggered—does not mean the option is not on an interest in a security.'' [67] Similarly, each binary KPI option proposed herein provides a cash payout based on the disclosed KPI, some of which are directly tied to a pecuniary interest in a security, such as earnings per share (which represents the holder's pro rata claim on the issuer's profits and is the basis for both dividend distributions and earnings-driven appreciation in the value of the security), and others of which are indirectly tied to the pecuniary interest of a security, such as the issuer's net revenue and income, which determine the issuer's capacity to generate returns for security holders. A stockholder's pecuniary interest in a security is not limited to contractual payment rights (such as declared dividends) but encompasses the right to benefit from the issuer's earnings capacity, as reflected in the market price of the security. Binary KPI options based on earnings metrics therefore reference a core component of the stockholder's pecuniary interest.

Although the Act does not separately define the term ''option,'' the CEA's definition of ''option'' lends further support to the classification of binary KPI options as securities. The CEA defines ''option'' as ''an agreement, contract, or transaction that is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'.'' [68] This functional definition focuses on the character of the instrument and common usage rather than formal labels, and the binary KPI options proposed herein exhibit the defining characteristics of the previously Commission-approved binary options through standardized terms established by the Exchange: the nature of the underlying interest, the settlement method, the multiplier, the settlement style of the option, whether the option has automatic exercise provisions, the expiration date, and the exercise price. Specifically, binary KPI options are associated with an underlying KPI as designated by the Exchange. The Exchange establishes these options as cash-settled (the settlement method) that are European-style (the style of the option) that will be automatically exercised if the requirements for exercising the option have been met. Binary KPI options have a multiplier of one. As is the case for all other options listed on the Exchange, each binary KPI option will include an expiration date and a strike price in accordance with the proposed Rules. As such, the binary KPI options contracts are appropriately categorized as standardized options. Notably, as further discussed below, the binary payout structure does not transform these instruments into event contracts or swaps even though binary KPI options would likely meet the definition of ''security-based swap'' [69] (but would, therefore, still be ''securities'' subject to the Commission's jurisdiction) [70] if they were not excluded from the definition of ''swap.'' [71] The Commission has previously approved binary options with all-or-nothing payouts, including binary index options, for listing on the Exchange, as securities options. The distinguishing feature is not the shape of the payout curve but rather the nature

condition, cash flows and other changes in financial condition and results of operations.'' *Id.*

[61] *See* Commission Guidance on Management's Discussion and Analysis of Financial Condition and Results of Operation, Securities Exchange Act Release No. 88094 (Jan. 30, 2020).

[62] *Id.*

[63] For example, in responding to a November 2024 request for comment by the Financial Accounting Standards Board regarding financial KPIs for business entities, the CFA Institute submitted a comment letter on behalf of its members, answering the question ''How often do you use Financial KPIs in your analysis?'' with an answer of ''All the time.'' *Supra* at n. 48.

[64] CD Options Approval at 32375 n.34. The Commission specifically noted that ''the fact that the payout of a cash-settled option will not increase or decrease based on the price movement of the underlying security of that option is not dispositive.'' *Id.* at 32375.

[65] *Id.* at 32376.

[66] *Id.*

[67] *Id.* at n.46.

[68] 7 U.S.C. 1a(36).

[69] The term ''security-based swap'' is defined in the Act, and that definition is incorporated by reference into the CEA. *See* 15 U.S.C. 78c(a)(68) (defining the term); 7 U.S.C. 1a(42).

[70] Security-based swaps are ''securities'' under the Act. *See* 15 U.S.C. 78c(a)(10).

[71] *See* 7 U.S.C. 1a(47)(B)(iii).

of the underlying interest: where the underlying is a security, an interest therein, or based on the value thereof, the instrument is a securities option regardless of whether its payout is variable or binary.

The OCC's Options Disclosure Document (''ODD'') includes the characteristics above in the list of standardized terms of options generally.[72] More specifically, the ODD attributes these same characteristics to binary options. Although the ODD defines an option generally as ''the right to buy or sell a specified amount or value of a particular underlying interest at a fixed exercise price by exercising the option before its specified expiration date,'' it notes that cash settlement does not preclude an instrument from being an option: ''Certain special kinds of options may give a right to receive a cash payment if certain criteria are met.''[73] More specifically, the ODD describes binary options as follows: ''A binary option is a cash-settled option having only two possible payoff outcomes: either a fixed amount or nothing at all . . . The binary options approved for trading are all subject to automatic exercise. The holder of a binary option . . . has the right to receive (and the writer of a binary option has the obligation to pay) the exercise settlement amount for the option if the value of the underlying interest as of the time specified by the applicable listing options market (*i.e.,* the exercise settlement value) meets the criteria for automatic exercise of the option, as specified in the rules of the listing options market. If those criteria are not met, the option will expire worthless. . . . binary options are European-style options.''[74] Accordingly, the binary KPI options proposed herein have the character of binary options and are commonly understood to function as such.

Moreover, the Exchange emphasizes that the ''based on the value of'' analysis does not depend on a generalized statistical relationship between KPIs and stock prices in the aggregate, but rather on the demonstrated materiality of each specific KPI to the specific issuer's stock for which binary KPI options are proposed. Under the proposed rules, the Exchange will designate the applicable KPI and the relevant reporting period at the time of listing. This issuer-specific designation ensures that the Exchange has determined, prior to listing, that the particular KPI is material to the valuation of the respective issuer. Critically, the Exchange's materiality determination is not made in isolation; it is corroborated by reporting requirements or the issuer's own judgment. An issuer's inclusion of a KPI in its earnings-related filings—if the metric is not otherwise required by regulation to be included—reflects the issuer's independent determination, made subject to the officer certifications required under the Sarbanes-Oxley Act of 2002, that such metric is necessary for investors to understand the issuer's financial condition and results of operations, and is therefore material to an investor's valuation of the issuer's securities. The issuer's disclosure decision thus constitutes a determination by the issuer itself that the KPI is material to the value of its stock.

Additionally, treating the binary KPI options proposed herein as securities is consistent with the position taken by the Commission and the U.S. Commodity Futures Trading Commission (''CFTC'') in the 2012 joint rulemaking[75] further defining ''swap'' and ''security-based swap,'' in which the Commissions stated that the ''swap'' and ''security-based swap'' definitions were not intended to capture existing options products and that securities options, including exchange-traded equity options and listed index options, remain subject to the existing Commission options regulatory regime and are not reclassified as swaps or security-based swaps.[76] Importantly, the Commission further cautioned against an overly broad application of the swap definitions where an instrument does not functionally operate as a swap.[77]

The definition of ''security-based swap'' in the Act is broad enough to include binary KPI options if they are ''swaps''; however, because the binary KPI options are options, they are not ''swaps'' or ''security based swaps.''[78] This is because the CEA expressly excludes from the definition of ''swap'' ''any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to [the Securities Act and the Exchange Act].''[79] Pursuant to this exclusion, if an instrument qualifies as a securities option under the Act and the Securities Act (as the Exchange believes the proposed binary KPI options do), it is categorically removed from the swap and security-based swap definitions as a matter of statutory construction. Put another way, because security-based swaps are, by definition, a subset of swaps, an option that falls within the definition of ''security'' in the Act and the Securities Act is excluded from the definition of ''swap'' and, thus, cannot, as a matter of statutory construction, be a security-based swap.[80]

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[72] *See Characteristics and Risks of Standardized Options,* Options Clearing Corporation at 3 (June 2024) (''ODD''). The ODD was amended to add disclosure on binary options in June 2008. *See* Securities Exchange Act Release No. 57744, 73 FR 25072 (May 6, 2008).

[73] ODD at 3.

[74] *Id.* at 8.

[75] See, *e.g.,* Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping, Securities Exchange Act Release No. 67453, 77 FR 48208 (August 13, 2012).

[76] *See* id., at 48211 (noting that the definitions of ''swap'' and ''security-based swap'' ''could be read to include certain types of agreements, contracts, and transactions that previously have not been considered swaps or security-based swaps, and nothing in the legislative history of the Dodd-Frank Act appears to suggest that Congress intended such agreements, contracts, or transactions to be regulated as swaps or security-based swaps under Title VII''). The Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'') was signed into law in July 2010 and added definitions of ''swap'' and ''security-based swap'' into the CEA and the Act. *See* Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010). The Exchange notes that binary options (on SPX from April 21, 2010 to January 16, 2015; and on VIX from April 21, 2010 to August 16, 2017) and credit default options (from June 19, 2007 to October 2008 and April 26, 2011 to December 26, 2014) were traded as standardized options on the Exchange after the Dodd-Frank Act was adopted.

[77] *See* supra note 75; *see also* 77 FR 48208, at 48211 (''Title VII also calls on the agencies to treat functionally or economically similar products or entities in a similar manner, but does not require identical rules.''). Section 712(d)(1) of the Dodd-Frank Act provided that the CFTC and the SEC, in consultation with the Board of Governors of the Federal Reserve System, shall jointly further define the terms ''swap,'' ''security-based swap,'' and ''security- based swap agreement.'' Section 712(a)(7)(A) of the Dodd-Frank Act further provides that ''[i]n adopting rules and orders under this subsection, the [CFTC] and the [SEC] shall treat functionally or economically similar products or entities described in paragraphs (1) and (2) in a similar manner.''

[78] The definition of ''security-based swap'' generally includes ''any agreement, contract or transaction that is [a swap and is] based on . . . the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.'' 15 U.S.C. 78c(a)(68)(A)(ii)(III).

[79] 7 U.S.C. 1a(47)(B)(iii).

[80] In the recent ''Statement on Tokenized Securities'' published jointly by the Division of Corporation Finance, the Division of Trading and Markets, and the Division of Investment Management, the interplay of the statutory definitions of ''security,'' ''swap'' and ''security-based swap'' was laid out plainly as follows (footnotes omitted, emphasis added):

The assessment of whether a financial instrument is a security-based swap or a linked security depends, in part, on the exclusions from the definition of ''swap.'' There are several exclusions from the definition of ''swap'' relating to securities. To the extent a financial instrument falls into one of these exclusions, it is not a swap and, therefore, is not a security-based swap. For example, any note,

Classifying binary KPI options as securities options under the Act is consistent with the Commission's established regulatory framework for binary options, including investor protection objectives, and preserves the integrity of antimanipulation restrictions, insider trading prohibitions, and material nonpublic information controls. More specifically, because these contracts are tied to Commission disclosure rules and regulations and material nonpublic information (''MNPI'') risks that are substantially identical to those present in traditional securities trading, aligning binary KPI options with the securities regulatory framework preserves the integrity of insider trading prohibitions and the Commission's disclosure regime. Listing binary KPI options on a registered national securities exchange subjects trading activity to SRO and Commission surveillance for, among other things, manipulative trading and insider trading, affording investors the full protections of the federal securities laws. Further, classifying binary KPI options as security options under the Act allows these contracts to be offered by the same liquidity providers that offer listed options today, all of whom are Commission-registered and regulated broker-dealers who are also subject to FINRA and exchange SRO oversight, and allows such contracts to be traded by the same retail customer base that trade binary options (and KPI-related contracts) today.

Proposal

The Exchange believes the proposal is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[81] 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 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.

Specifically, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest because it establishes a clear and transparent framework for a new category of listed options (binary KPI options) that are tied to financial and operating metrics of issuers that are publicly disclosed in required Commission reports. Currently, investors wishing to position their investment strategies around earnings announcements must rely primarily on equity options, whose pricing is affected by a wide range of variables beyond the reported financial or operating measure of interest (*e.g.,* implied volatility, delta, time value, and general market movement). Binary KPI options allow investors to take a targeted, defined-risk position directly on a specific financial or operating measure (*i.e.,* a KPI) for a particular reporting period. The Exchange believes this additional investment tool will protect investors and the public interest because it will promote market efficiency, enable more precise price discovery around earnings events, allow investors to hedge against potential idiosyncratic risks, and remove a gap in current national securities exchange-listed products available to market participants.

The Exchange believes the proposed list of issuers and KPIs on which the Exchange may list binary KPI options will prevent fraudulent and manipulative acts and practices, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. First, as noted above, the Exchange is proposing to list binary KPI contracts based on specific financial and operating metrics reported by the following issuers in their earnings-related disclosures submitted to the Commission: Apple, Inc.; Advanced Micro Devices, Inc.; Alphabet Inc.; Amazon.com, Inc.; Bank of America Corporation; Citigroup Inc.; Coinbase Global, Inc.; Ford Motor Company; Intel Corporation; JPMorgan Chase & Co.; Marathon Digital Holdings, Inc.; Meta Platforms, Inc.; Microsoft Corporation; Netflix, Inc.; NVIDIA Corporation; Palantir Technologies Inc.; SoFi Technologies, Inc.; Space Exploration Technologies Corp.; Super Micro Computer, Inc.; Target Corporation; Tesla, Inc.; and The Walt Disney Company. The Exchange believes offering investors an additional investment tool on a national securities exchange related to some of the most actively traded stocks and options will perfect the mechanism of a free and open market and benefit investors by allowing them to further refine their investment strategies, including using these options to hedge idiosyncratic, even-specific risk embedded in the specific KPIs (as further discussed below), for these actively traded companies.

The Exchange believes the proposed universe of issuers will prevent fraudulent and manipulative acts and practices, because the proposed issuers are large, well-capitalized, and widely followed issuers with highly liquid underlying securities and options markets. During May 2026, each of the issuers exceeded $3 billion in market capitalization and ranked among the top 200 U.S. companies by average daily options or stock volume, with the exception of Space Exploration Technologies Corp (commonly referred to as SpaceX), which had not been trading for a full calendar month but which the Exchange believes will satisfy these measures with its first month of trading results based on its volumes since it began trading.[82] Securities with high market capitalizations and liquid markets are generally less susceptible to manipulation because of the substantial capital required to artificially influence prices of those securities. The depth and breadth of trading activity for securities with significant market capitalizations, such as the stocks of the proposed issuers, make it unlikely that a single market participant would be able to exert undue influence on the price of such a stock, as large volumes of buyers and sellers are what ultimately continuously reflect the true market value of the stock. The Exchange believes the KPIs of issuers with high market capitalizations proposed to underlie binary KPI options are similarly less susceptible to manipulation because any attempt to distort a financial metric of such an issuer would require an enormous and economically impractical deployment of capital, which would likely exceed the fixed payout of a binary KPI option. Therefore, like stocks of large-cap issuers, KPIs of large-cap issuers are less susceptible to manipulation due to the structural barriers that would make manipulating KPI values operationally difficult and financially irrational (in addition to the rigorous financial

bond, or evidence of indebtedness that is a security, as defined in Section 2(a)(1) of the Securities Act, is excluded from the definition of swap. *Similarly, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act and the Exchange Act, is excluded from the definition of swap.* SEC Division of Corporation Finance, Division of Investment Management, Division of Trading and Markets, *Statement on Tokenized Securities* (Jan. 28, 2026).

[81] 15 U.S.C. 78f(b).

[82] The ADV of SpaceX stock between June 12 and June 22, 2026 was approximately 290,009,963 shares. The market capitalization of SpaceX as of June 22, 2026 was $2.145 trillion.

oversight to which these issuers are subject, as further discussed below).

In addition to the proposed issuers being highly capitalized and having actively traded stocks and options on such stocks, the Exchange also believes the proposed limited universe of issuers for binary KPI options to those proposed will prevent fraudulent and manipulative acts and practices because each issuer is subject to periodic reporting requirements under the Act. Therefore, each of the proposed issuers must file annual reports on Form 10–K, quarterly reports on Form 10–Q, and current reports on Form 8–K with the Commission, which as discussed above disclose information the issuer believes is necessary for an investor to understand its financial condition, changes in financial condition and results of operations, which can include KPIs. Further, each issuer maintains audited financial statements prepared in accordance with U.S. Generally Accepted Accounting Principles (''GAAP'') and is subject to executive certification requirements under the Sarbanes-Oxley Act. As a result, the settlement-determining KPI values for each eligible issuer are produced within the Commission's supervisory jurisdiction, are publicly verifiable from a Commission-regulated source and are subject to relevant anti-fraud provisions under the Act, which the Exchange believes will reduce the potential for manipulation of the underlying KPIs as well as the applicable issuer's stock.

Further, the Exchange believes the proposed limited universe of issuers will introduce binary KPI options in a well-developed, well-understood, and transparent Commission-regulated market environment. Each issuer is among the most widely followed, actively traded, and extensively analyzed issuers in its respective sector, with deep and liquid equity and derivatives markets and a broad institutional and retail investor base. The depth of existing market activity surrounding these issuers supports fair and orderly pricing by ensuring that binary KPI options are listed in markets where price discovery is well-established, liquidity is readily available, and participants have broad access to the information necessary to form and express informed views on KPI outcomes. The Exchange believes the continuous public scrutiny to which these issuers are subject substantially reduces the likelihood that any market participant could obtain or maintain an informational advantage sufficient to manipulate the settlement value of the binary KPI options.

The Exchange believes the proposed KPI metrics will similarly prevent fraudulent and manipulative acts and practices, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange's proposal limits eligible KPIs to GAAP and non-GAAP measures and other statistics related to an issuer's financial condition and operational results, all of which the proposed issuers disclose in their earnings-related filings (*i.e.,* Forms 8–K, 10–Q, and 10–K) submitted to the Commission. As such, the settlement values of the proposed binary KPI options are derived exclusively from information that issuers deem as material information required to be disclosed in reports submitted to the Commission. These metrics are routinely referenced and tracked in the investment community and are figures that the market recognizes as a meaningful and central indicator of issuer performance. The Exchange believes that the inclusion of well-established metrics as eligible KPIs expands the value of binary KPI options for investors without compromising the integrity of trading processes, including the settlement process.

The proposed KPI metrics are among the most widely followed and extensively analyzed measures for the proposed issuers. Specifically, the Exchange proposes to be able to list a binary KPI option on earnings per share (prepared in accordance with GAAP) for each proposed issuer. This metric is among the most widely followed and extensively analyzed figures in public company financial disclosure and is disclosed in each issuer's periodic Commission filings. Similarly, the Exchange proposes to list binary KPI options on revenue, prepared in accordance with the applicable GAAP, for each issuer. As is the case for earnings per share, revenue is a widely followed financial metric for publicly reporting companies and is the subject of extensive analyst coverage.

The Exchange proposes KPIs representing revenues broken out by appliable reportable segment, business unit, or product category, including cloud and artificial intelligence infrastructure revenues, streaming and geographic subscription revenues, automotive segment revenues, financial services segment revenues, consumer product category revenues, and digital asset exchange transaction and subscription revenues, among others, for several of the proposed issuers. Each such metric is a GAAP-defined figure required to be disclosed in the issuer's periodic Commission filings. The Exchange understands these metrics enable market participants to express views on specific high-profile business lines that are extensively covered by analysts and subject to a high volume of publicly available forecasts.

The Exchange proposes KPIs for the proposed financial institution issuers that are specific to financial institution income statement presentation, including net interest income, provision for credit losses, and net income. Each such metric reflects the distinct GAAP reporting framework applicable to banking institutions and is subject to the same periodic disclosures as other proposed KPIs.

The proposed rule change also includes operating margin, gross margin, or cash flow from operations KPIs for several issuers, each of which is computed directly from GAAP financial statement line items disclosed in the issuer's periodic Commission filings. These metrics provide market participants with insight into issuer profitability and capital generation and complement other revenue and earnings figures when market participants are evaluating the value of an issuer and its stock.

The Exchange also proposes several non-financial operational KPIs that issuers disclosed in their periodic Commission filings, including relevant production volumes, network and infrastructure counts, user engagement metrics, deal counts, digital asset trading volume, and digital asset mining and holdings metrics. Each designated non-financial operational metric is closely tied to the core economic activity of the respective issuer's business and is a figure that the issuer has affirmatively chosen to disclose to the public as a key indicator of business performance. Issuers typically designate and disclose such metrics precisely because they are understood by the market to be among the most meaningful measures of their business activities. As discussed above, this is consistent with Commission guidance that an issuer should include KPIs in these report [sic] that the issuer believes an investor needs to gain understanding of its financial condition, changes in financial condition and results of operations, as such KPIs present the ''pulse'' of the issuer's business. The market significance of these metrics is further reflected in the extensive analyst coverage and investor attention, particularly near each reporting date. Each metric is subject to executive certification as part of the periodic report in which it appears and is widely

tracked by financial data services and equity research analysts.

Overall, the Exchange believes that the proposed well-established, publicly reported metrics as eligible KPIs will expand the value of binary KPI options for investors without compromising the integrity of trading processes, including the settlement process. As a result, the Exchange believes the proposed KPIs will protect investors and the public interest as it will permit the Exchange to offer investors additional investment and hedging tools on the Exchange that investors can incorporate into their investment strategies regarding the proposed issuers.

The Exchange believes the proposed contract terms for binary KPI options will promote just and equitable principles of trade, remove impediments to and perfect a free and open market and national market system, and protect investors. As discussed above, the Exchange believes the proposed contract terms for binary KPI options are standardized option terms. Like standard option contracts and binary index option contracts currently listed for trading on the Exchange, each proposed binary KPI option will be a call or a put, will have an underlying, exercise price, an expiration date, a settlement type, a settlement style, and a multiplier. As is the case for binary index options, each proposed binary KPI option will have an exercise settlement amount paid depending on how the settlement value of the underlying compares to the exercise price.

The proposed binary KPI options will function in a substantially similar manner as binary index options, with the proposed contract terms substantially similar to the contract terms of binary index options. The proposed definitions of binary KPI option, call binary KPI option, exercise price, and put binary KPI option are the same as those terms for binary index options (as previously approved by the Commission), differing only in reference to the underlying (KPI v. index).

The proposed definition of settlement value for binary KPI options is generally similar to the definition for binary index options (as previously approved by the Commission), with certain differences necessary to be addressed due to the different nature of a KPI as the underlying. While the definition of exercise settlement value in current Rule 4.16(a) (proposed Rule 4.70) allows the Exchange to determine the exercise settlement amount for binary index options, $1 is a permissible exercise settlement amount for those options; therefore, the proposed $1 exercise settlement amount for binary KPI options is not novel and is consistent with current Exchange Rules. The Exchange believes the proposed $1 exercise settlement amount is reasonable given the retail nature of the proposed binary KPI options and merely adds specificity to the Rules for binary KPI options. The Exchange notes binary KPI options differ from standardized index options (which are also cash-settled) in that the exercise settlement amount is $1.00 rather than the cash difference amount between the settlement value of the index and the strike price of an option. Since the $1.00 exercise settlement amount will be paid out to the option holder if the criteria of the binary KPI option have been met, binary KPI options utilize a fixed exercise settlement amount.

The Exchange believes the alternative settlement procedures of the Clearing Corporation described above are appropriate in that they establish a process to address an unexpected condition, taking into consideration fairness to both option writers and holders. By using this alternative exercise settlement amount, settlement will occur based on the market's last valuation of the binary KPI option. If the Clearing Corporation, with the assistance of the Exchange, determines that the last closing price is unreliable or inappropriate to use because the binary KPI option has not recently traded or traded with sufficient liquidity, the KPI will be deemed as not met and the binary KPI options will expire unexercised. The Exchange notes that alternative settlement procedures are not novel for options, and alternative settlement procedures vary based on option type.[83]

The Exchange proposes new Rule 4.81 to list the specific binary KPI contracts with the KPI criteria for each option contract. Such KPI criteria are established as the set KPI events that will be used to determine [sic] an option contract should be exercised by comparing the strike price of the binary KPI option to the KPI value. The Exchange believes these proposed contracts (including the issuers and KPIs) are consistent with the Act for the reasons set forth above.

The Exchange believes the proposed expirations for binary KPI options will remove impediments to and perfect the mechanism of a free and open market and a national market system because they will align with the reporting periods for which the proposed issuers disclose earnings results and submit corresponding reports to the Commission. These expirations will, therefore, permit investors to incorporate binary KPI options into their investment strategies that correspond to issuers' earnings results. Further, as discussed above, the Exchange believes aligning expirations with Commission-regulated sources will reduce the potential for manipulation of the underlying KPIs, which will ultimately protect investors and the public interest.

The proposed rule change establishes a strike regime for binary KPI options similar to that for traditional options and binary index options. As is the case for traditional options and binary index options, the proposed rule change establishes permissible strike intervals, the amounts of which increase as the value of the strike increases. Additionally, the Exchange proposes to list initial and additional series pursuant to a similar framework as traditional equity options. The differences in the proposed strike regime compared to that of standard equity and index options are necessary and appropriate to reflect the static nature of KPIs (unlike underlying equities and indexes, the values of which change throughout the trading day) and the timing of their disclosure. As noted above, the Exchange intends to list binary KPI options aligned with the cadence of the KPI announcements as their expiration cycle (generally quarterly). The Exchange intends to list for trading binary KPI options with expirations for the then-current reporting period (*e.g.,* third quarter) as well as the following period (*e.g.,* fourth quarter) prior to the expiration of the binary KPI options for the then-current reporting period.

As the Exchange does for standard options, as well as binary index options, the Exchange lists strikes (subject to its Rules) based on relevant market information—including the then-current value of the underlying—and customer demand. As described above, the Exchange intends to do the same for binary KPI options by listing strikes relative to the then current value of the underlying KPI. The Exchange believes it is consistent with just and equitable

[83] For example, for binary index options on indexes issued by OCC, OCC Rules provide for a determination process used when the underlying security price or index value is unreported, inaccurate, unavailable or inappropriate. The OCC determination process utilizes a panel to fix the value of the underlying interest to be used for expiration processing. This process differs from the proposed alternative settlement procedures for binary KPI options because the binary options issued by OCC depend solely on trading price or index value (unlike binary KPI options) and OCC Rules allow specific methods by which an underlying value may be determined for expiration processing if a trading price or value is not available. *See* OCC By-Laws, Article XIV, Section 5,

principles of trade to permit the Exchange to list strikes for a new expiration based on the most recently disclosed KPI value, which may not be for the immediately preceding reporting period, and then add strikes based on the disclosed KPI for the immediately preceding reporting period (which would be the settlement value for binary KPI options that expire in the prior reporting period). This will enable the Exchange to respond to changes in market conditions in the same manner it is able to do today to respond to changes in values of (and market conditions related to) other underlyings. The Exchange believes this flexibility is appropriate for binary KPI options because the value of a KPI changes only when an issuer discloses that KPI, which generally happens every three months, unlike other underlyings that change every trading day. While this proposed strike listing regime differs from that of other options, the concept is the same, which is to permit the Exchange to list strikes reflective of the then-current value of the underlying. It is possible the changed value of an underlying KPI may be more sudden and pronounced than changes in the value of an underlying equity or index (which are susceptible to sudden value changes); however, like the listing rules for equity and index options, the proposed rules permit the Exchange to list strikes to reflect potentially significant changes in the value of the underlying.

The Exchange believes the proposed scaling of strike prices is reasonable and will protect investors, as it will permit the Exchange to list strike values in amounts similar to current strike values for other options. As noted above, values of certain KPIs may be large (*e.g.,* in the billions). The proposed scaling will permit the Exchange, for example, to list a strike of 27 rather than 27,000,000,000, which the Exchange believes will be simpler for investors to understand (as it will be made clear that 27 will reflect billions in this example) and consistent with current strike levels. The proposed scaling also permits the strike prices for binary KPI options to fit within current system capabilities regarding strike price values. The Exchange believes scaling rather than modifying its systems (and potentially causing investors to modify their systems) will benefit investors by allowing them to trade binary KPI options in the same manner as they trade other options today.

The Exchange believes the proposed strike intervals promote just and equitable principles of trade because it will permit the Exchange to list commercially meaningful strikes that will permit investors to tailor their trading strategies with precision. The Exchange acknowledges the proposed strike intervals are smaller than those in current Rules for other types of options. However, the Exchange believes the precision is appropriate and necessary given the nature of KPIs and the proposed options. The purpose of binary KPI options is to permit investors to take discrete and precise positions on KPIs. Therefore, the Exchange needs the ability to list strikes with the precision necessary to permit investors to take these positions. For example, earnings per share is generally a relatively small number (under $10). While strike intervals for other options are limited to $0.50 intervals, that would not be meaningful in the context of binary KPI options when investors are looking to take positions for a specific KPI, which will be measured in penny intervals. Therefore, the Exchange believes smaller strike intervals will benefit investors because they will allow the Exchange to list binary KPI options that will enable investors to use these options in the precise nature for which they are intended and provide sufficient flexibility for the Exchange to list series to respond to changes in market conditions and customer demand, while other rules will place bounds around the strikes the Exchange may list.

Further, as discussed above, the proposed strike intervals are consistent with current rules for other options, which provide for larger strike intervals as the value of strike prices increases. Given the scaling factor for larger KPI values, while it may appear the proposed rule change will permit smaller strike intervals for larger KPI values, that may be true on a nominal basis but is not the case if the actual value of the strike intervals is considered. The corresponding actual value of the strike interval for a strike price that was subject to a larger scale value is higher than the actual value of the strike interval for a strike price that was subject to a smaller scale value. As a result, the permissible strike intervals for strike prices representing higher KPI values are actually larger than the permissible strike intervals for strike prices representing lower KPI values. This is consistent with general premise underlying current strike intervals that larger strike intervals apply to larger strike values and, therefore, the Exchange believes the proposed rule change will promote just and equitable principles of trade.

The Exchange believes this proposed rule change clearly describes the proposed terms of binary KPI options, such as with respect to expirations (including the Exchange's announcement of the specific expiration date after binary KPI options series for that expiration are listed) and exercise prices (including the scaling factor, negative values, and potential changes to that scaling factor for a binary KPI option class) for all investors. As discussed above, these terms and changes to such terms will be described in Exchange notices, technical specifications (including binary KPI option reference data files), and contract specifications (all of which are posted on the Exchange's public website and thus available to all investors). Exchange TPHs and retail brokerage firms are highly sophisticated investors that intake information regarding other Exchange-listed options (including changes) in the same manner that the Exchange plans to release this information for binary KPI options. As binary KPI options are intended as a retail-focused product, the Exchange understands from retail brokerage firms that binary KPI options will be displayed on the firms' user interfaces in a way that similarly makes the terms of the options clear to their retail customers.[84] Therefore, the Exchange expects retail customers to have access to all relevant information regarding the terms of binary KPI options they choose to trade, including changes to expiration dates and exercise price values as announced by the Exchange.

The proposed rule change specifies a multiplier of one for binary KPI options rather than require the Exchange to designate a multiplier of at least one as the rules for binary index options do. This proposed multiplier is consistent with the definition of contract multiplier for binary index options (as that requires a multiplier of at least one) and merely adds specificity to the Rules.

The Exchange believes proposed Rule 5.1(b)(3)(f), which establishes RTH for binary KPI options is consistent with the Act, protects investors, and prevents fraudulent and manipulative practices. The Exchange believes the proposed structure ensures that trading in binary KPI options ceases before the earnings announcement that determines settlement. The distinction between A.M.- and P.M.-settled contracts mirrors the settlement terms already applicable

[84] For example, the Exchange understands from retail brokerage firms they intend to display a binary KPI option of an issuer's earnings per share of −$2.47 to expire on the date on which the issuer announces its third quarter 2026 earnings results as a phrase, such as ''will the issuer's loss per share for the third quarter of 2026 be more than (or less than) $2.47?''.

to binary index options, as well as other Exchange products.

The Exchange believes proposed Rule 5.3(c)(3), which addresses bid and offer conventions for binary options with multipliers other than 100, will provide clarity and consistency in market quotations relative to the notional size of the option, promotes investor understanding of the cost and value of binary KPI option contracts. Therefore, the Exchange believes the proposed rule change is consistent with just and equitable principles of trade because it creates a pricing structure that reflects the notional value of an option based on its multiplier.[85]

The Exchange believes proposed Rule 5.31(d)(1)(D), which provides that for binary KPI options, the System initiates the opening rotation at 9:30 A.M., is consistent with the opening auction framework already applicable to other index options listed on the Exchange and ensures that binary KPI options open for trading in an orderly and transparent manner. The Exchange believes this provision removes impediments to a free and open market by applying the same proven opening process to binary KPI options that governs other listed options classes on the Exchange. Additionally, unlike equity options, for which the underlying opens for trading and can trigger the opening rotation, KPIs do not trade, so triggering the opening rotation based on a set time is reasonable for binary KPI options.

The Exchange believes excluding binary KPI options from the obvious error provisions in Rule 6.5 is consistent with the Act and promotes just and equitable principles of trade because the standard obvious error framework, which evaluates whether an execution price deviates from a ''theoretical value'' by a prescribed amount, is incompatible with the structure of binary KPI options. Binary KPI options have no continuously observable theoretical value (unlike equity and index options) prior to the date of the earnings-related disclosure. Rather, their exercise settlement amount is fixed at either a pre-specified dollar amount or zero, depending entirely on whether the reported KPI satisfies the exercise condition, which itself is based on a single, publicly verifiable metric, disclosed in Commission filings. Applying an obvious error framework premised on theoretical value calculations to a product with a binary, fixed payout would be technically inapplicable and could produce unjust or arbitrary results. Moreover, because settlement of binary KPI options is determined by issuer-reported metrics disclosed through Commission filings (*i.e.,* figures produced pursuant to established accounting standards, subject to independent audit, and certified under the Sarbanes-Oxley Act), the settlement process is itself governed by a comprehensive external regulatory framework. The Exchange believes that establishing any alternative dispute mechanism in this context would be not only unnecessary, but potentially disruptive to market integrity, as it may introduce an element of post-hoc discretion into a settlement process that is expressly designed to be objective, verifiable, and rule-bound. Finally, the Exchange notes that pursuant to proposed Rule 5.34(d), the Exchange may apply a maximum execution price protection for binary KPI options on a class basis, pursuant to which any execution price for a binary KPI option above the Exchange-designated maximum execution price for that class is adjusted down to that maximum execution price. This protection provides an additional safeguard against executions at potential erroneous prices, further limiting the need for a separate obvious error provision applicable to binary KPI options, which the Exchange believes protects investors and the public interest. The Exchange accordingly believes that the non-applicability of Rule 6.5 to binary KPI options is a reasonable and justified product-specific accommodation that promotes orderly trading and clear, consistent treatment of transactions in these contracts.

The Exchange believes the proposed amendments related to position limits for binary KPI options are consistent with the Act because they establish a rational position limit framework for binary KPI options that protects against manipulation while facilitating legitimate trading activity in a novel product. The Exchange believes that setting the position limit for binary KPI options as the same as the applicable position limit for the stock of the issuer, with 100 binary KPI option contracts equaling one standard option contract, is appropriate. These position limits were previously approved by the Commission as consistent with the Act for standard equity options. Therefore, the Exchange believes these same limits are appropriate for binary KPI options for the related equities, as the Commission has ultimately determined that option positions on an equity (or in this case a financial or operating metric based on the value of an equity) up to that amount are unlikely to permit a single investor from influencing the value of that equity. As proposed, binary KPI options with a multiplier of one will count toward applicable limits on a proportional basis relative to standard equity options on the issuer's stock, which carry a multiplier of 100. This treatment is consistent with the position limits applied to other reduced-value options, such as micro-options (which also have a contract multiplier of one), for which Rule 8.31(f) provides that for purposes of determining compliance with the position limits under Rule 8.31, 100 micro-option contracts with an index multiplier of one equals one standard option contract with an index multiplier of 100. Because the proposed binary KPI options have a multiplier of one, while standard option contracts have a multiplier of 100, the notional value of a binary KPI option is significantly less than the notional value of standard option contracts. For example, 250,000 contracts with a value of $1.00 with a multiplier of 100 would equate to $2,500,000 notional value, while 250,000 binary KPI option contracts with a value of $1.00 (which is the fixed maximum value of a binary KPI option contract) with a multiplier of one would equate to $250,000 notional value. Counting 100 binary KPI contracts as one standard option contract for purposes of calculating compliance with position limits effectively calibrates these limits so that investors may hold positions in binary KPI options in an economically equivalent number of contracts they may hold in standard equity options. Therefore, the Exchange believes this proposed treatment is consistent with just and equitable principles of trade, as it counts option positions in a manner equivalent with their value.

The Exchange further believes the proposal is reasonable given the nature of binary KPI options and their relationship to the underlying issuer. Because binary KPI options have a fixed maximum notional value and settle on an all-or-nothing basis based on a KPI of the issuer rather than the price of the issuer's stock as with a standard equity option, the Exchange believes the proposed position limits appropriately reflects [sic] the distinct structure of these contracts and limits [sic] the potential for any single market participant to exert undue influence over binary KPI option settlement. With respect to binary KPI options, the economic risk of a position is binary, in

[85] The Exchange notes that this proposal is consistent with the existing framework for adjusting bids and offers for mini- and micro-options under Rules 5(c)(1) and (2), respectively.

that the contract either settles in-the-money at $1.00 or out-of-the money at $0.00. Additionally, with respect to binary KPI options, the maximum notional exposure per contract is fixed in advance; it cannot exceed $1.00 multiplied by the contract multiplier. Moreover, unlike stock prices or index values, binary KPI option positions would not influence a company's financial or operational outcomes; the number of option contracts outstanding or trading volume, for instance, has no effect on revenue or operational metrics.

Further, the Exchange's proposal to provide that positions in binary KPI options on the same KPI with different expiration dates and positions in binary KPI options for the same issuer with different underlying KPIs are not aggregated reflects the distinct structure of binary KPI options. Each binary KPI option expiration corresponds to a separate event tied to a specific issuer reporting period. Thus, the Exchange believes aggregating positions across different expiration dates would not accurately reflect the risk profile of these positions and would impose an unnecessary burden on market participants seeking exposure to company KPI events across different reporting periods. In determining that position limits should not be aggregated across all binary KPI options referencing a single issuer, the Exchange analyzed the degree to which KPIs of a given issuer are correlated with one another. Specifically, the Exchange performed a correlation analysis for each company set forth in proposed Rule 4.81(a), measuring the historical co-movement of each company's KPIs across the 16 most recent earnings releases (Q3 2022 through Q2 2026). Of the 223 KPI correlation pairs examined, 30 (approximately 13%) exhibit correlations above 0.90. The Exchange notes that many of these highly correlated pairs involve closely related measures, such as aggregate and segment revenue, where strong co-movement is expected and does not reflect an independent source of concentrated risk. Across the full sample, correlations indicate that the large majority of KPI pairs move substantially independently of one another across earnings periods. Thus, the Exchange believes issuer-level aggregate position limits are not warranted.

Similarly, the Exchange believes it is reasonable to provide that binary KPI options are not aggregated with non-binary options contracts overlying the stock of the issuer. Because binary KPI options and equity options overlying the same issuer have different risk profile (*i.e.,* binary KPI options settle based on a KPI of the issuer rather than its stock price), the Exchange believes it would be inappropriate and misleading to require aggregation of these positions for purposes of position limits. As noted above, binary KPI options are based solely on whether a single, specified-issuer KPI meets a discrete threshold at a defined future date, and their value reflects the market's probability assessment of that singular outcome. Standard equity options, on the other hand, reflect a broad array of factors bearing on the price of the underlying security, including macroeconomic conditions and sector dynamics, of which any individual KPI is only one component. Because the two products are not priced off of a common reference and do not represent economically equivalent or fungible exposures, aggregating positions across them would not meaningfully advance the prevention of manipulative practices with respect to the underlying security.

The Exchange further notes that this proposed non-aggregation framework is not unprecedented. Rule 4.8(g) provides that positions in Single Stock Dividend Options (''SSDOs'') will not be aggregated with positions in ordinary options overlying the stock of the issuer underlying the SSDOs. The rationale underlying that rule is directly analogous to the rationale supporting non-aggregation of binary KPI options with standard listed equity options on the same issuer. In its SSDO filing,[86] the Exchange noted that SSDOs are based solely on expected dividends for an issuer and will reflect the forward value of that expectation. Because the pricing of ordinary options and SSDOs differs dramatically as a result of fundamentally different inputs, the Exchange concluded that there was no need to aggregate positions across the two product types to prevent manipulative practices involving the underlying. The Commission found this approach appropriate and consistent with the Act in its approval of the proposal.[87]

The same logic applies to the proposed binary KPI options. Like SSDOs, binary KPI options derive their value from a single, specified variable (whether a particular issuer KPI meets a discrete contractual threshold at a defined date) and their pricing reflects the market's probability assessment of that singular outcome. In contrast, as noted above, standard equity options on the same issuer reflect a full spectrum of factors which may affect the underlying security's price. The pricing of binary KPI options and standard equity options on the same issuer will therefore differ substantially, for the same structural reasons that the Commission found dispositive in the SSDO context. The Exchange accordingly believes that non-aggregation of binary KPI options with standard equity options is appropriate and consistent with the Act.[88]

Finally, the Exchange believes the proposed amendment to the hedge exemption provision is consistent with the Act because it facilitates legitimate hedging activity in binary KPI options. Because a market participant simultaneously holding a short put and short call position in binary KPI options has taken opposing sides of the potential binary outcome (*i.e.,* the short call is at risk if the KPI is met and the short put is at risk if the KPI is not met), the Exchange believes such a position represents a defined, bounded risk profile that does not present the same potential for manipulation or market disruption that position limits are designed to prevent. The Exchange therefore believes the hedge exemption as proposed will encourage market-making activity and liquidity provision in binary KPI options while protecting investors and the public [sic]

The Exchange also believes the proposed changes to Rule 8.43(f) are consistent with the Act. By establishing tailored reporting requirements for binary KPI options, the Exchange will be able to monitor TPH positions effectively and detect any accumulation of positions that may approach or exceed applicable limits, to the benefit of investors. The Exchange believes it is consistent with just and equitable principles of trade for 100 binary KPI option contracts to equal one standard option contract for purposes of determining whether the report in Rule 8.43(a) is required given the size of binary KPI contracts. As discussed above, proposed binary KPI options have a multiplier of one, while standard option contracts have a multiplier of 100. Therefore, the notional value of a binary KPI option is significantly less than the notional value of standard option contracts. For example, 200

[86] *See* Securities Exchange Act Release No. 64654 (June 13, 2011), 76 FR 35503 (June 17, 2011) (SR–CBOE–2011–039).

[87] *See* Securities Exchange Act Release No. 64991 (July 29, 2011), 76 FR 47280 (August 4, 2011) (SR–CBOE–2019–033).

[88] The Exchange notes that binary option contracts (Binary Return Derivatives (''ByRDs'')) approved for trading at NYSE American and NYSE Arca, Inc. are similarly not aggregated with positions in other options on the same underlying security for purposes of determining compliance with the position limits. *See* NYSE American Rule 940Byrds (b) and NYSE Arca Rule 5.86–O(b).

contracts with a value of $1.00 with a multiplier of 100 would equate to $20,000 notional value, while 200 binary KPI option contracts with a value of $1.00 (which is the fixed maximum value of a binary KPI option contract) with a multiplier of one would equate to $200 notional value. Counting 100 binary KPI contracts as one standard option contract for purposes of this report effectively calibrates the reporting requirement so that investors are required to submit the report for an economically equivalent number of contracts, which promotes just and equitable principles of trade.

The Exchange believes the proposal will provide the Exchange and regulators with visibility into large position concentrations in binary KPI options, preserving the ability to identify unusual activity and respond to any unforeseen concerns, while calibrating the threshold to a metric that is meaningful for this contract given its smaller multiplier relative to that of standard equity options. The Exchange believes this reporting framework, coupled with the position limits amendments, provides a fully adequate regulatory framework for these instruments.

Further, as noted above, the Exchange believes it has an adequate surveillance program in place to surveil for any potentially heightened insider trading or manipulation risks presented by the proposed binary KPI options. The Exchange notes that the settlement value of a binary KPI option is determined by the issuer's earnings-related disclosure, which figures are produced through the accounting and reporting processes of the issuer, subject to independent audit, and disclosed in filings with the Commission. Because settlement is decoupled from the market price of the underlying security, no amount of trading activity in that security could alter the revenue, earnings, or other metric that determines contract settlement. Any manipulation of the reported KPI would constitute securities fraud and expose the issuer to liability under federal securities law [sic], separate and apart from any exchange-related violation.

Moreover, the specifically proposed binary KPI options present a more defined surveillance profile than other event contracts available in the market today. Because settlement is tied to a well-defined set of publicly reported issuer-KPI metrics, the relevant surveillance framework operates as a focused subset of the insider trading surveillances the Exchange already applies to standard equity options. The legal prohibition on trading in the issuer's securities, including options, while in possession of material non-public information about an unreported KPI is not novel, but rather the same prohibition the Exchange enforces today in connection with standard equity options overlying the same issuer.

The Exchange believes the proposed binary KPI options will serve as a vehicle to hedge idiosyncratic, event-specific risk embedded in the specific KPIs. Standard equity options are calibrated to the price of the underlying security and capture a full spectrum of factors or risks which may affect issue [sic] value, such as macroeconomic conditions or sector dynamics. Because equity option pricing incorporates this full spectrum, a participant seeking to hedge exposure to a single, discrete KPI outcome cannot do so precisely using standard equity options. Because settlement of a binary KPI option is determined solely by whether a specified-issuer KPI meets a defined threshold, the contract effectively isolates certain individual risks an investor may seek to manage. For example, consider an investor holding a long-term position in a particular issuer stock, who believes the issuer's quarterly revenue will fall short of expectations (for reasons unrelated to the issuer's long-term prospects). The investor may utilize the binary KPI option to hedge precisely against the near-term risk without disruption to the underlying equity position. This targeted hedging utility represents a distinct and additive function relative to existing listed products, which the Exchange believes will serve the interests of investors and provide an efficient mechanism for managing event-specific, KPI-driven risk.

The Exchange believes the proposed rule change will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide investors with a securities exchange-listed investment choice for these instruments, offering price transparency and the regulatory protections of a national securities exchange. The Exchange believes the proposed rule change will permit investors to manage their risk exposures and carry out their investment objectives on a securities exchange with more flexibility and broader applicability. The Exchange also believes the proposed rule change will promote competition, as it will meet demands of investors that currently may trade products structured in substantively the same manner as the proposed binary KPI options in other markets (as further discussed below). Binary KPI options would provide investors with a straightforward means of expressing a directional view on key financial and operating metrics. The Exchange further believes the proposed rule change is consistent with the protection of investors and the public interest, as binary KPI options would be subject to the Exchange's existing rules governing the listing and trading of options. The Exchange believes expanding the universe of binary options will benefit investors, particularly retail investors and other investors who prefer simplicity, as a complementary offering to current exchange-traded options.

The proposed rule change will permit the Exchange to list binary KPI options on a national securities exchange as alternatives to products that are structured in substantially the same manner as binary options currently available in the OTC market and on other platforms. The Exchange understands investors have traded binary options similar to the proposed binary options in OTC markets for many years but may prefer to trade such options in a listed environment to receive the benefits of trading listing options. These benefits include: (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness. The Exchange believes the proposed rule change may encourage liquidity to shift from the OTC market onto the Exchange, which the Exchange believes would increase market transparency as well as enhance the process of price discovery conducted on the Exchange through increased order flow. The proposed rule change is intended to provide a market for binary KPI options as a standardized product without the credit risk of an individual issuer. By providing a listed and standardized market for more classes of binary options, the Exchange seeks to attract investors who desire the simplicity of a binary option with the certainty and safeguards of a regulated and standardized marketplace. Additionally, unlike an OTC binary option, counter-party credit risk for Exchange-listed binary KPI options is significantly reduced through the issuance and guarantee of the contracts by a registered clearing agency. Further, as an exchange-traded option, binary options will have the advantage of liquidity provided by Market-Makers, which the Exchange believes may lead to tighter spreads than those in the OTC

market. The Exchange also believes that standardization will enable more interested parties to become market participants.

In addition to the OTC market, various market platforms that are not registered as national securities exchanges currently offer products structured in substantively the same manner as binary options that the Exchange may list pursuant to current Rules and as proposed. These platforms offer binary option products overlying securities indexes, which may be settled at varying points of the day (not just at the open and close of the trading day). However, as these venues are not national securities exchanges, they do not offer investors the benefits of centralized liquidity, market transparency, or securities regulations intended to protect investors. The Exchange believes listing competitive products on a national securities exchange would create a centralized and standardized marketplace for these products, which promotes price discovery and transparency, within an established regulatory framework designed to afford investors in securities with important protections. In other words, the Exchange believes its proposal offers a more transparent platform than the OTC market or other market platforms offer. It would contribute to leveling the playing field with these alternative markets and provide investors with safeguards associated with Commission and SRO oversight of the trading activity in these exchange-listed binary KPI options.

Ultimately, the Exchange believes the proposed rule change will provide investors with greater trading tools and opportunities and flexibility, resulting in investors having additional means to carry out their investment objectives and manage their risk exposures through products listed and traded on a national securities exchange. The Exchange believes the proposed rule change will offer market participants a simplified, transparent, and limited risk investment choice overlying securities and securities indexes [sic], which may be more aligned with their specific timing needs and investment and hedging strategies and risk tolerances. The Exchange believes it benefits the investing public to continue to enhance its listed product offerings to respond to continuously changing needs of investors and to a continuously changing competitive environment.

A robust and competitive market requires exchanges to respond to investors' evolving needs by regularly improving their offerings. When Congress charged the Commission with supervising the development of a ''national market system'' for securities, Congress stated its intent that the ''national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.'' [89] Consistent with this purpose, Congress and the Commission have repeatedly stated their preference for competition, rather than regulatory intervention to determine products and services in the securities markets.[90] This consistent and considered judgment of Congress and the Commission is correct, particularly in light of evidence of robust competition in the options trading industry. The fact that an exchange proposed something new is a reason to be receptive, not skeptical—innovation is the life-blood of a vibrant competitive market—and that is particularly so given the continued internalization of the securities markets, as exchanges continue to implement new products and services to compete not only in the United States but throughout the world. Options exchanges continuously adopt new and different products and trading services in response to industry demands to attract order flow and to increase their trading volume. This competition has led to a growth in investment choices, which ultimately benefits the marketplace and the public. The Exchange believes the proposed rule change will help further competition by providing market participants with yet another investment option for options listed on a national securities exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because binary KPI options will be available to all market participants who wish to trade such options on the same terms and in the same manner (including with respect to the payout terms and amount). All market participants will be subject to the same rules applicable to binary KPI options, as described in this proposed rule change. Except as set forth in the proposed rule change, binary KPI options will trade in the same manner as other options, including binary index options, on the Exchange.

The Exchange does not believe 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 other options exchanges may propose similar products. Additionally, as noted above, substantively similar products to binary KPI options, as proposed, are available in the OTC market and various other markets.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar products. The Exchange believes the proposed rule change will provide investors with a comparable alternative to the OTC market and other venues. The Exchange believes it may be a more attractive alternative to the OTC market and these other venues, as market participants will benefit from being able to trade these options in an exchange environment, which provides, among other things: (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness. As a result, the Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it will allow the Exchange to offer a securities exchange-listed alternative to the products currently available in these other markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

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[89] *See* H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.).

[90] *See* S. Rep. No. 94–75, 94th Cong., 1st Sess. 8 (1975) (''The objective [in enacting the 1975 amendments to the Exchange Act] would be to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services.''); Order Approving Proposed Rule Change Relating to NYSE Arca Data, Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (''The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the [self-regulatory organizations] and the national market system. Indeed, competition among multiple markets and market participants trading the same products is the hallmark of the national market system.''); and Regulation NMS, 70 FR at 37499 (observing that NMS regulation ''has been remarkably successful in promoting market competition in [the] forms that are most important to investors and listed companies'').

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–061 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–061. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–061 and should be submitted on or before August 5, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[91]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14201 Filed 7–14–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105879; File No. SR–CboeEDGX–2026–47]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Definition of Professional To Require Monthly Reviews of Orders

July 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2026, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 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 EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend the definition of Professional [3] to require monthly reviews of orders. 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/edgx/*), 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 the definition of Professional to modify the Exchange's quarterly review of Professional orders. This filing is based on a proposal recently submitted by Nasdaq ISE, LLC (''ISE'').[4]

Today, orders for any Public Customer [5] that average more than 390 orders per day during any month of a calendar quarter must be represented as Professional orders for the next calendar quarter.[6] In order to properly represent orders entered on the Exchange, Options Members [7] are required currently to review their Public Customers' activity and, on at least a quarterly basis, designate orders as Public Customer orders or Professional orders.[8] Specifically, Options Members are required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five days after the end of each calendar quarter.[9] While Options Members are required to designate accounts on a quarterly basis, if during a quarter the Exchange identifies a

[91] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 16.1, which defines Professional as any person or entity that: (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). All Professional orders shall be appropriately marked by Options Members.

[4] *See* Securities Exchange Act Release No. 105218 (April 13, 2026), 91 FR 20542 (April 16, 2026) (SR ISE–2026–16) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Review of Professional Orders.).

[5] *See* Rule 16.1, which defines Public Customer as a person that is not a broker or dealer in securities.

[6] The requirement to review Public Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Public Customer Orders or Professional Orders is not in the current rule text, however it was described in the adopting proposal. See Securities Exchange Act Release No. 78221 (July 7, 2016), 81 FR 44353 (July 1, 2016) (BatsEDGX–2016–28) (Notice of Filing of Proposed Rule Change Relating to Calculation Methodology for Counting Professional Orders) (''SR–BatsEDGX–2016–28''). The current proposal seeks to codify the timing for review of Public Customers' activity.

[7] *See* Rule 16.1, which defines Options Member as a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on EDGX Options as an ''Options Order Entry Firm'' or ''Options Market Maker.''

[8] *See* 81 FR 44353.

[9] *See id.*

customer for which orders are being represented as Public Customer orders but that has averaged more than 390 orders per day during a month, the Exchange must notify the Options Member and the Options Member is required to change the manner in which it is representing the customer's orders within five days.[10]

Proposal

At this time, the Exchange proposes to shorten the quarterly review and designation to a monthly review. The Exchange proposes to amend the definition of Professional in Rule 16.1 to require that orders for any customer that had an average of more than 390 orders per day during any calendar month be represented as Professional orders for the next calendar month.

As noted, currently, each Options Member is required to monitor Public Customer orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer has executed more than 390 orders per day during a month requires computing a daily average. As such, Options Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Options Member because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your-customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations. Finally, some Options Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter.

The Exchange believes that a calendar month is a sufficient time period to determine whether the activity of a customer meets the criteria for a Professional order. The Exchange believes that the shortened time period will ensure that the spirit of the designation of Professional order is met in that Options Members will make any appropriate changes to the way in which they are representing orders in a 30-day timeframe as opposed to a 90-day timeframe, thereby ensuring the designation is applied in a more expeditious manner.

The Exchange continues to believe that identifying Professional Orders based upon the average number of orders entered in qualified accounts is an appropriate and objective approach to reasonably distinguish such persons and entities from retail investors or market participants.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange's proposal to shorten the quarterly look-back to a monthly look-back is consistent with the Act because it will ensure that the spirit of the designation of Professional order continues to be met, only on a more expedited basis—removing a potential delay of two months before affecting a change in the designation. The Exchange believes that this amendment will remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting the consistent application of its rules and shortening the timeframe to change the designation for all Options Members while continuing to provide a sufficient time period to determine whether the activity of a customer meets the criteria for a Professional order. Further, the Exchange believes that the shortened time period will continue to promote consistency in the treatment of orders as Professional orders while also preventing members with high volume from receiving benefits reserved for Public Customer orders.

As noted, currently, each Options Member is required to monitor Public Customer orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer has executed more than 390 orders per day during a month requires computing a daily average. As such, Options Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Options Member because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. Finally, some Options Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter.

The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations. The Exchange continues to believe that identifying Professional orders based upon the average number

[10] *See id.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

of orders entered in qualified accounts is an appropriately objective approach to reasonably distinguish such persons and entities from retail investors or market participants. Priority is one of the marketplace advantages provided to Public Customer orders on the Exchange. Public Customer orders are given execution priority over non-Customer orders and quotations of market makers at the same price. Another marketplace advantage afforded to Public Customer orders on the Exchange is that members are generally not assessed transaction fees or are assessed lower fees for the execution of Public Customer orders. The purpose of these marketplace advantages is to attract retail order flow to the Exchange by leveling the playing field for retail investors over market Professionals. This proposal will continue to provide Public Customer accounts with marketplace advantages and distinguish those accounts non-Professional retail investors from the Professionals accounts. The Exchange notes that some non-broker-dealer individuals and entities have access to information and technology that enables them to Professionally trade listed options in the same manner as a broker or dealer in securities.

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. Specifically, the Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because, today, each Options Member is required to monitor Public Customer orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer has executed more than 390 orders per day during a month requires computing a daily average. As such, Options Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Options Member because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your-customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. Finally, some Options Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter.

The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations.

Further, the designation of Professional orders would not result in any different treatment of such orders for purposes of compliance with the Exchange's Rules. Public Customers have been granted certain priority over other non-broker-dealer individuals and entities that have access to information and technology that enables them to Professionally trade listed options in the same manner as a broker or dealer in securities. Further, the Public Customer designation allows the Exchange to attract order flow or create more competitive markets.

Also, the Exchange does not believe that the proposed rule change will impose any burden on inter-market competition because other exchanges are expected to adopt similar rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed rule change will ensure fair competition among the exchanges by allowing the Exchange to shorten the quarterly review and designation to a monthly review of Options Members to determine whether the activity of a customer meets the criteria for a Professional order. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issues, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] 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.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2026–47 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2026–47. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2026–47 and should be submitted on or before August 5, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14203 Filed 7–14–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105878; File No. SR–MEMX–2026–20]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Review of Professional Orders

July 10, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 30, 2026, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Rule 16.1, (Definitions) to amend the Exchange's quarterly review of Professional Orders.[4] The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 16.1 (Definitions) to establish a monthly review of Professional orders. This filing is based on a proposal recently submitted by Nasdaq ISE, LLC (''ISE'').[5]

Today, orders for any Public Customer[6] that averages more than 390 orders per day during any month of a calendar quarter must be represented as Professional orders for the next calendar quarter.[7] In order to properly represent orders entered on the Exchange, Members[8] are required currently to review their Public Customers' activity and designate orders as Public Customer Orders or Professional orders. Specifically, Members are required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five days after the end of each calendar quarter.[9] While Members are required to designate accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as Public Customer Orders but that has averaged more than 390 orders per day during a month, the Exchange will notify the Member and the Member is required to change the manner in which it is representing the customer's orders within five days.[10]

Proposal

At this time, the Exchange proposes to shorten the quarterly review and designation to a monthly review. The Exchange proposes to state under the definition of ''Professional'' in Rule 16.1 that orders for any customer that had an average of more than 390 orders per day during any calendar month must be represented as Professional orders for the next calendar month.

As noted, currently, each Member is required to monitor Public Customer Orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer

[20] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Exchange Rule 16.1. The term ''Professional'' means any person or entity that (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). All Professional orders shall be appropriately marked by Options Members.

[5] *See* Securities Exchange Act No. 105218 (April 13, 2026) 91 FR 20542 (April 16, 2026) (SR–ISE–2026–16) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend the Review of Professional Orders.)

[6] *See* Exchange Rule 16.1. A ''Public Customer'' means a person that is not a broker or dealer in securities.

[7] The requirement to review Public Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Public Customer Orders or Professional Orders is not in the current rule text, however it was an industry requirement and was described in the adopting proposals filed by the other options exchanges. *See, e.g.,* Securities Exchange Act Release Nos. 77853 (May 19, 2016), 81 FR 33301 (May 25, 2016) (SR–MIAX–2016–11) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Exchange Rule 100 Concerning Professional Customers); 78788 (September 8, 2016), 81 FR 63252 (September 14, 2016) (SR–ISE–2016–19) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Add Specificity to the Definition of a Professional in the Exchange's Rules); 77054 (February 4, 2016), 81 FR 7166 (February 10, 2016) (SR–Phlx–2016–10) (Notice of Filing of Proposed Rule Change Relating to Professional Customer Definition). The instant proposal seeks to codify the timing for review of Public Customers' activities.

[8] *See* Exchange Rule 1.5(p). The term ''Member'' means any registered broker or dealer that has been admitted to membership in the Exchange.

[9] *See supra* note 7.

[10] *See id.*

has executed more than 390 orders per day during a month requires computing a daily average. As such, Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Member because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your-customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations. Finally, it is the Exchange's understanding that some Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter.

The Exchange believes that a calendar month is a sufficient time period to determine whether the activity of a customer meets the criteria for a Professional order. The Exchange believes that the shortened time period will ensure that the spirit of the designation of Professional order is met in that Members will make any appropriate changes to the way in which they are representing orders in a 30-day timeframe as opposed to a 90-day timeframe, thereby ensuring the designation is applied in a more expeditious manner.

The Exchange continues to believe that identifying Professional orders based upon the average number of orders entered in qualified accounts is an appropriate and objective approach to reasonably distinguish such persons and entities from retail investors or market participants.

Implementation

The Exchange proposes implementing this rule change on July 1, 2026. The Exchange will issue a regulatory notice to provide notice to Members of the proposed change.

2. Statutory Basis

The Exchange believes the proposal is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 particular, the Exchange's proposal to shorten the quarterly look-back to a monthly look-back is consistent with the Act because it will ensure that the spirit of the designation of Professional order continues to be met, only on a more expedited basis—removing a potential delay of two months before affecting a change in the designation. The Exchange believes that this amendment will remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting the consistent application of its rules and shortening the timeframe to change the designation for all Members while continuing to provide a sufficient time period to determine whether the activity of a customer meets the criteria for a Professional order. Further, the Exchange believes that the shortened time period will continue to promote consistency in the treatment of orders as Professional orders while also preventing Members with high volume from receiving benefits reserved for Public Customer Orders.

As noted, currently, each Member is required to monitor Public Customer Orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer has executed more than 390 orders per day during a month requires computing a daily average. As such, Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Member because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your-customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. Finally, some Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter. The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations. The Exchange continues to believe that identifying Professional orders based upon the average number of orders entered in qualified accounts is an appropriately objective approach to reasonably distinguish such persons and entities from retail investors or market participants. In general, certain marketplace advantages are provided to Public Customer Orders on the Exchange, inducing the assessment of lower fees or the provision of higher rebates compared to orders from other market participants.[13] The purpose of these marketplace advantages is to attract retail order flow to the Exchange by leveling the playing field for retail investors over market professionals. This proposal will continue to provide Public Customer accounts with marketplace advantages and distinguish those accounts of retail investors from the Professional accounts. The Exchange notes that some non-broker-dealer individuals and entities have access to information and technology that enables them to professionally trade listed options in the same manner as a broker or dealer in securities.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See, generally,* the MEMX Options Fee Schedule, available at: *https://info.memxtrading.com/us-options-trading-resources/us-options-fee-schedule/.*

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. In this regard and as indicated above, the Exchange notes that the rule change is substantially similar to a filing recently submitted by ISE.[14]

Specifically, the Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because, today, each Member is required to monitor Public Customer Orders to determine if the Public Customer has averaged more than 390 orders per day during a month. Determining whether a Public Customer has executed more than 390 orders per day during a month requires computing a daily average.

As such, Members should be performing the workflow necessary to designate orders on a daily basis. Therefore, the proposal does not amend the current workflow, rather, the proposal amends the timeframe to change the manner in which the customer's order is being represented from five days after the end of each calendar quarter to five days after the end of each calendar month.

The Exchange does not believe that this amendment is a significant departure from the current rule, nor does it impose any burden on any Participant because each broker-dealer is required currently to perform the necessary calculation daily to arrive at the requisite average. Further, in addition to the calculation, broker-dealers are subject to know-your-customer and suitability requirements under FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability) and would need to consider whether a customer meets the Professional designation for purposes of determining best execution and making appropriate recommendations. Finally, some Members currently designate a Public Customer that has averaged more than 390 orders per day during a month as a Professional on a more expedited basis, not waiting until five days after the quarter. The Exchange notes that the trading behavior of a Public Customer can be distinguished from that of a Professional which is the purpose of the separate designations.

Further, the designation of Professional orders would not result in any different treatment of such orders for purposes of compliance with the Exchange's Rules. Public Customers have been granted certain marketplace advantages over other non-broker-dealer individuals and entities that have access to information and technology that enables them to professionally trade listed options in the same manner as a broker or dealer in securities. Further, the Public Customer designation allows the Exchange to attract order flow or create more competitive markets.

Also, the Exchange does not believe that the proposed rule change will impose any burden on inter-market competition because other exchanges are expected to adopt similar rules.

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

Pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposal can become effective upon filing. Waiver of the operative delay will allow the Exchange to implement this proposal for the month of July 2026 to align with the operative date of similar changes to ISE rules on which the proposal is based.[19] Furthermore, the proposal does not raise any novel legal or regulatory issues. For these reasons, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–MEMX–2026–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2026–20. 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

[14] *See supra* note 5.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange requested waiver of the five-day prefiling requirement for this proposal for the reasons stated in its filing, which the Commission hereby grants

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] *See supra* note 5.

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

to file number SR–MEMX–2026–20 and should be submitted on or before August 5, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–14202 Filed 7–14–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21673 and #21674; MICHIGAN Disaster Number MI–20046]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Michigan

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Michigan (FEMA–4925–DR), dated June 30, 2026.

Incident: Severe Storms, Tornadoes, and Flooding.

DATES: Issued on June 30, 2026.

Incident Period: April 10, 2026 through April 21, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on June 30, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

[21] 17 CFR 200.30–3(a)(12).

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alcona, Alpena, Benzie, Charlevoix, Cheboygan, Crawford, Eaton, Emmet, Grand Traverse, Gratiot, Iron, Kalkaska, Lake, Manistee, Marquette, Mecosta, Menominee, Missaukee, Montmorency, Newaygo, Ogemaw, Osceola, Oscoda, Presque Isle, Tuscola, Wexford.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 216736 and for economic injury is 216740.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14214 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21660 and #21661; MICHIGAN Disaster Number MI–20044]

Presidential Declaration of a Major Disaster for the State of Michigan

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–4925–DR), dated June 30, 2026.

Incident: Severe Storms, Tornadoes, and Flooding.

DATES: Issued on June 30, 2026.

Incident Period: April 10, 2026 through April 21, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on June 30, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alcona, Allegan, Alpena, Antrim, Barry, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Gratiot, Iosco, Kalamazoo, Kalkaska, Manistee, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Presque Isle, Roscommon, Saginaw, Washtenaw, Wexford.

Contiguous Counties (Economic Injury Loans Only):

Michigan: Arenac, Bay, Branch, Calhoun, Cass, Clare, Clinton, Eaton, Genesee, Gladwin, Ionia, Isabella, Jackson, Kent, Lake, Leelanau, Lenawee, Livingston, Mackinac, Mason, Midland, Missaukee, Monroe, Montmorency, Oakland, Ogemaw, Oscoda, Otsego, Ottawa, Shiawassee, St. Joseph, Tuscola, Van Buren, Wayne.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000

	Percent
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21660B and for economic injury is 216610.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14217 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21683 and #21684; ILLINOIS Disaster Number IL–20028]

Administrative Declaration of a Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the state of Illinois dated July 10, 2026.

Incident: Severe Storms and Tornadoes.

DATES: Issued on July 10, 2026.

Incident Period: June 17, 2026.

Physical Loan Application Deadline Date: September 8, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: April 12, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Coles, Effingham.

Contiguous Counties:

Illinois: Clark, Clay, Cumberland, Douglas, Edgar, Fayette, Jasper, Moultrie, Shelby.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21683C and for economic injury is 216840.

The state which received an SBA Administrative declaration is Illinois.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14220 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[License No. 30002265]

Plexus Fund VII–A, L.P.: Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Plexus Fund VII–A, L.P., 4242 Six Forks Road, Suite 950, Raleigh, NC 27609, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concerns, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, *Financings which constitute conflicts of Interest* of the Code of Federal Regulations. Plexus Fund VII–A, L.P. (''Licensee'') provided financings to four companies, including CCP Act Fast Investment, LLC, Infinite Global Holdings, Inc., Maher Acquisition Holdings, Inc., and Quantum Industrial Services, LLC (collectively, ''Companies'') to support the Companies' growth.

The proposed transaction is brought within the purview of 13 CFR 107.730 of the Code of Federal Regulations because Plexus Fund VII–L, L.P. and Plexus Fund VII–UL, L.P., Associates of the Licensee by virtue of Common Control as defined in 13 CFR 107.50, received the proceeds from the proposed transaction.

Therefore, the transaction requires a regulatory exemption pursuant to Section 312 of the Act and 13 CFR 107.730 of the Code of Federal Regulations. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to the Associate Administrator for the Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation.

[FR Doc. 2026–14222 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21670 and #21671; WISCONSIN Disaster Number WI–20009]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Wisconsin

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Wisconsin (FEMA–4923–DR), dated June 30, 2026.

Incident: Severe Storms, Tornadoes, and Flooding.

DATES: Issued on June 30, 2026.

Incident Period: April 13, 2026 through April 23, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on June 30, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Iowa, Jackson, Jefferson, Juneau, Kewaunee, Outagamie, Rock, Vernon, Waupaca.

Tribal Areas: Oneida Nation.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 216706 and for economic injury is 216710.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14215 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21620 and #21621; KENTUCKY Disaster Number KY–20034]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA–4913–DR), dated May 29, 2026.

Incident: Severe Winter Storm.

DATES: Issued on July 6, 2026.

Incident Period: January 23, 2026 through January 27, 2026.

Physical Loan Application Deadline Date: July 28, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Kentucky, dated May 29, 2026, is hereby amended to include the following area as adversely affected by the disaster.

Primary County: Perry.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14218 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21662 and #21663; LOUISIANA Disaster Number LA–20018]

Presidential Declaration of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4927–DR), dated June 30, 2026.

Incident: Tropical Storm Arthur.

DATES: Issued on June 30, 2026.

Incident Period: June 17, 2026 through June 18, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on June 30, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans): Avoyelles, St. Landry, St. Tammany, Terrebonne.

Contiguous Parishes/Counties (Economic Injury Loans Only):

Louisiana: Acadia, Assumption, Catahoula, Concordia, Evangeline, Jefferson, LaSalle, Lafayette, Lafourche, Orleans, Pointe Coupee, Rapides, St. Bernard, St. Martin, St. Mary, Tangipahoa, Washington, West Feliciana.

Mississippi: Hancock, Pearl River.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000

	Percent
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21662B and for economic injury is 216630.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14210 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21675 and #21676; MISSISSIPPI Disaster Number MS–20023]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Mississippi (FEMA–4922–DR), dated June 30, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

DATES: Issued on June 30, 2026.

Incident Period: May 6, 2026 through May 7, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on June 30, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Franklin, Lamar, Lawrence, Lincoln.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 216756 and for economic injury is 216760.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–14219 Filed 7–14–26; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36942]

State of Ohio—Acquisition and Operation Exemption—in Ashtabula and Trumbull Counties, Ohio

The State of Ohio (the State), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 for after-the-fact authority to acquire ownership of and operating rights over an approximately 43.2-mile rail line known as USRA Line No. 714, extending between milepost 81.1 near North Warren, Ohio, and milepost 124.3 near Ashtabula, Ohio (the Line).

According to the verified notice, the Line was originally part of the Pennsylvania Railroad Company, later Penn Central Transportation Company, and was acquired by the Ohio Rail Transportation Authority (ORTA) in 1981. The verified notice indicates that title was registered in the name of the State and that the Ohio Rail Development Commission (ORDC), a successor to ORTA, currently preserves and maintains the Line for the State. Neither ORTA nor the State obtained authority from the Interstate Commerce Commission at the time of acquisition, and in *Ohio Rail Development Commission—Petition for Declaratory Order,* FD 36822, slip op. at 9 (STB served Mar. 30, 2026), the Board directed ORDC to seek after-the-fact authority for acquisition of the Line or explain why it believes such authority is not required.

The State certifies that the proposed acquisition of the Line does not involve an interchange commitment. The State further certifies that its projected annual revenues as a result of this transaction are not expected to exceed those that would qualify it as a Class III rail carrier.

The earliest this transaction may be consummated is July 29, 2026, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 22, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36942, 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 the State's representative, Crystal M. Zorbaugh, Mullins Law Group PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036.

According to the State, 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: July 10, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2026–14197 Filed 7–14–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–7671]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Passenger Evacuation Experience Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The collection involves an electronic distribution of a survey to gather information on passengers' experience during an emergency evacuation or rapid deplaning of a passenger transport category aircraft (14 CFR part 121). The target information to be gathered is data from passengers and cabin crew regarding the effectiveness of the evacuation process from their perspective, including both positive and negative aspects, injuries sustained, passenger behavior, passenger flow, experience with passengers with disabilities and children, and evaluating the decision-making process of passengers choosing to take personal items with them. This information is necessary because this information is not collected as part of a standard post-incident interview unless the incident is classified as an accident. This information collection will provide evidence to support updated guidelines for passenger transport category aircraft emergency evacuation and/or rapid deplaning.

DATES: Written comments should be submitted by September 14, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Theodore Mofle, Civil Aerospace Medical Institute, Bldg. 13, Rm. 108B, 6500 S MacArthur Blvd., Oklahoma City, OK 73169.

By fax: 405–954–0130.

FOR FURTHER INFORMATION CONTACT: Theodore Mofle by email at: *Theodore.C.Mofle@faa.gov;* phone: 405–954–5879.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–XXXX.

Title: Passenger Evacuation Experience Survey.

Form Numbers: This online survey has no form number.

Type of Review: New information collection.

Background: The FAA mission and vision are to provide the safest, most efficient aerospace system in the world, which includes preparedness in the event of an incident or accident that requires an emergency evacuation or rapid deplaning. One of the best methods to understand areas for improving guidance for an ever-changing cabin environment is to ask about the experience from the perspective of the passengers and cabin crew of positive aspects of the evacuation and areas of improvement. During the normal investigation of these incidents, the response rate to the office inquiry is low, and the National Transportation Safety Board (NTSA) does not collect data unless it is classified as an accident. These data are needed to evaluate passenger behavior, passenger flow, experience with passengers with disabilities and children, and evaluate decision making on passengers choosing to take personal items with them. These data collections were recommended as part of the emergency evacuation Aviation Rulemaking Committee (ARC). Additionally, these data will support section 365 of the FY 2024 FAA Reauthorization Act.

Respondents: 1,000 Passengers; 180 Cabin Crew.

Frequency: One-time collection.

Estimated Average Burden per Response: 30-minute burden per respondent.

Estimated Total Annual Burden: 590 hours, total burden.

Issued in Oklahoma City, OK, on July 10, 2026.

Paul Jaramillo,

Supervisor Aeromedical Research Engineer, Office of Aerospace Medicine, Survival and Protection Laboratory (AAM–632).

[FR Doc. 2026–14190 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket ID Number: DOT–OST–2026–2707]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, as amended, this notice announces the intention of the U.S. Department of Transportation to amend and to renew Office of Management and Budget Control Number 2105–0588. The information collection pertains to consumer disclosure requirements regarding airline baggage fees and other optional service fees. These requirements apply to U.S. and foreign air carriers, as well as ticket agents, and are codified at 14 CFR 399.85.

DATES: Comments on this notice must be received by September 14, 2026. Interested persons are invited to submit comments regarding this proposal.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W58–213, Washington, DC 20590–0001.
- *Hand delivery or Courier:* West Building, Room W58–213, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Commenters using this method of delivery should contact Docket Services at 202–366–9826 or 202–366–9317 before delivery to ensure staff is available to receive the delivery.
- *Instructions:* You must include the agency name and docket number DOT–OST–2026–2707 at the beginning of your comment. The Department will post all comments received without change to *https://www.regulations.gov,*

including any personal information provided.

- *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, etc.). For information on compliance by the U.S. Department of Transportation with the Privacy Act, please visit *www.transportation.gov/privacy.*
- *Docket:* For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Heather Filemyr or Ryan Patanaphan, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, at *heather.filemyr@dot.gov* or *ryan.patanaphan@dot.gov* (email). You may contact the above-named individuals to arrange to receive this document in an alternative format.

SUPPLEMENTARY INFORMATION:

Title: Increasing Flexibility on Disclosure of Airline Ancillary Fees.

OMB Control Number: 2105–0588.

Abstract: This information collection request seeks to amend Office of Management and Budget (OMB) Control Number 2105–0588, consistent with the requirements of 14 CFR 399.85, as amended by the 2026 final rule of the U.S. Department of Transportation (DOT or Department) titled ''Increasing Flexibility on Disclosure of Airline Ancillary Fees'' (2026 Rule). In 2024, the Department issued a final rule titled ''Enhancing Transparency of Airline Ancillary Service Fees,'' which was subsequently vacated by the U.S. Court of Appeals for the Fifth Circuit in 2026. Because the legal effect of the court's decision was to reinstate the rules previously in force, the Department issued the 2026 Rule, which returned 14 CFR 399.85 to the standards established in 2011. This information collection request seeks to amend OMB Control Number 2105–0588 to reflect the requirements in 14 CFR 399.85, as amended.

A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the Paperwork Reduction Act and displays a currently valid OMB Control Number.

This notice addresses five information collection requirements set forth in 14 CFR 399.85 as revised by the 2026 Rule:

1. *Requirement to disclose changes in baggage fees and allowances on carrier website homepages (14 CFR 399.85(a)).*

Title: Posting Changes to Baggage Fees and Allowances on Airline websites.

Description: U.S. and foreign air carriers with a website accessible for ticket purchases by the general public in the United States must promptly and prominently disclose any increase in fees for a carry-on bag or a first or second checked bag, and any change in bag allowances, on their homepages. The notice must remain on the homepage for at least three months after the change becomes effective.

Respondents: U.S. and foreign air carriers with a website accessible for ticket purchases by the general public in the U.S.

Estimated Number of Respondents: We estimate that as many as 275 U.S. air carriers and foreign air carriers may be impacted by this requirement. This estimate is based on the number of firms in NAICS Code 481111, which includes both U.S. and Foreign Carriers (*Source: U.S. Census Bureau, 2022 Economic Census).*

Estimated Burden on Respondents: Approximately 10 hours per respondent. Our estimate is based on the following information and assumptions: the primary costs to respondents for the disclosure requirement would arise from programming, data management, website modification, and other related costs to carriers to display the required baggage fee and policy changes. As carriers generally appear to revise their baggage fees and allowances up to one time each year, the Department expects that this proposed information collection would incur a cost of implementation at most one time each year and then a smaller cost for maintaining these displays for at least three months.

Estimated Total Annual Burden: Approximately 2,750 hours for all respondents (U.S. and foreign air carriers). Based on an estimated mean hourly wage of $69.50 for software developers,[1] this results in a total annual cost of $191,125.

Frequency: Up to one time each year, with maintenance costs incurred for a minimum of three months.

2. *Requirement to display notice that baggage fees may apply on the first fare quotation screen (14 CFR 399.85(b)).*

Title: Posting of Notice that Baggage Fees May Apply and Where to Find Them.

Description: U.S. carriers, foreign air carriers, agents of either, and ticket agents with a website accessible for ticket purchases by the U.S. general public must clearly and prominently disclose on the first screen offering a fare quotation for a specific itinerary that additional airline fees for baggage may apply and where consumers can see these fees. Ticket agents may refer consumers to the airline's website or to their own site if it displays airlines' baggage fees.

Respondents: U.S. and foreign air carriers and ticket agents with websites accessible for ticket purchases by the general public in the United States.

Estimated Number of Respondents: We estimate that as many as 275 U.S. air carriers and foreign air carriers and as many as 7,567 ticket agents would be impacted by this information collection. Our estimate is based on the following information and assumptions: Ticket agents include OTAs, brick-and-mortar travel agencies, and tour operators that market airline tickets. We based the number of ticket agents on data from NAICS codes 561510 and 561520 (*Source: U.S. Census Bureau, 2022 Economic Census),*[2] though this is likely a significant overestimate of the number of affected ticket agents because not all of those entities market air transportation online to consumers in the United States.

Estimated Burden on Respondents: Approximately 25 hours per respondent. The primary costs to respondents would arise from the design and programming of booking systems on their websites to display a notice that bag fees may apply, which is primarily static, and then a disclosure on where consumers can find information on bag fees. This collection would not require the creation of new websites or online booking systems by regulated entities that did not already maintain such systems for the purpose of selling air transportation.

Estimated Total Annual Burden: This information collection would result in an estimated annual burden of 196,050 hours (based on an assumption of 6,875 hours for carriers and 189,175 hours for ticket agents). Based on an estimated mean hourly wage of $69.50 for software developers,[3] this results in a total

[1] *https://data.bls.gov/oesprofile/.*

[2] *See* counts of firms in NAICS codes 561510 and 561520 that operated for the entire year, *available at https://data.census.gov/table/ECNSIZE2022.EC2200SIZEEMPFIRM?q=economic+census+by+naics+code+2022+firms&codeset=naics~5615:561510:561520.*

[3] *https://data.bls.gov/oesprofile/.*

annual cost of $13,625,475 ($477,812.50 for carriers and $13,147,662.50 for ticket agents).

Frequency: Disclosure required the first time a carrier or ticket agent displays a fare quotation for a specific itinerary on its website.

3. *Requirement to disclose baggage fees and allowances on e-ticket confirmations (14 CFR 399.85(c)).*

Title: Disclosing Baggage Fees and Allowances on E-Ticket Confirmations.

Description: On all e-ticket confirmations for air transportation within, to, or from the United States (including the post-purchase summary page and email), carriers and ticket agents must include information regarding the passenger's free baggage allowance or the specific fee for a carry-on bag and the first and second checked bag, as applicable. Carriers must provide this in text form. Ticket agents may provide this information in text form or through a hyperlink to the specific location on airline websites or their own website where this information is displayed.

Respondents: U.S. and foreign air carriers and ticket agents with websites accessible for ticket purchases by the general public in the United States.

Estimated Number of Respondents: We estimate that as many as 275 U.S. air carriers and foreign air carriers and as many as 7,567 ticket agents would be impacted by this information collection. For the reasons previously discussed, this is likely a significant overestimate of the number of ticket agents.

Estimated Burden on Respondents: Approximately 15 hours per respondent. The primary costs to carriers and ticket agents would arise from the design, and programming of booking systems to provide disclosure of the passenger's free baggage allowance and/or the applicable specific fee for a carry-on bag and the first and second checked bag, which airlines must provide in text form and ticket agents may provide either in text form or through a hyperlink.

Estimated Total Annual Burden: This information collection would result in an estimated annual burden of 117,630 hours (based on an assumption of 4,125 hours for carriers and 113,505 hours for ticket agents). Based on an estimated mean hourly wage of $69.50 for software developers,[4] this results in a total annual cost of $8,175,285 ($286,687.50 for carriers and $7,888,597.50 for ticket agents).

Frequency: Disclosure required on each e-ticket confirmation.

4. *Requirement to disclose all optional service fees centrally on carrier websites (14 CFR 399.85(d)).*

Title: Disclosure of All Optional Service Fees.

Description: U.S. and foreign air carriers must prominently disclose on their websites information on fees for all optional services available to a passenger. These carriers must also provide a conspicuous link from the carrier's homepage directly to a page where all such optional services and fees are disclosed. Non-baggage fees may be expressed as ranges, but baggage fees must be disclosed as specific charges.

Respondents: U.S. and foreign air carriers with websites accessible for ticket purchases by the general public in the United States.

Number of Respondents: We estimate that as many as 275 U.S. air carriers and foreign air carriers would be impacted by this information collection.

Estimated Annual Burden on Respondents: Approximately 30 hours per respondent. The primary costs to carriers would arise from the design and programming of carrier websites to include a page where the carrier discloses all optional services and a conspicuous link from the carrier's homepage to that optional service fee page. The Department expects that carriers would also incur costs to update the optional service fee page when a fee changes, estimated at approximately three times per year. Carriers would also incur a smaller cost for maintaining these displays.

Estimated Total Annual Burden: This information collection would result in an estimated annual burden of 8,250 hours for carriers. Based on an estimated mean hourly wage of $69.50 for software developers,[5] this results in a total annual cost of $573,375 for carriers.

Frequency: Updated each time the airline changes the fee for an ancillary service, estimated at approximately three times each year, with some ongoing maintenance required.

5. *Requirement to disclose codeshare optional service and fee differences (14 CFR 399.85(e)).*

Title: Disclosing Optional Service Fee Differences for Codeshare Flights.

Description: A carrier marketing a code-share flight must disclose on its website any differences between its optional services and related fees and those of the carrier operating the flight. This may be done via a conspicuous notice of the differences or a hyperlink taking the reader directly to the operating carrier's fee listing or to a page on the marketing carrier's website that lists the differences.

Respondents: U.S. and foreign air carriers marketing code-share flights.

Number of Respondents: We estimate that as many as 275 U.S. air carriers and foreign air carriers would be impacted by this information collection. This is likely a significant overestimate because not all of those carriers market codeshare flights.

Estimated Annual Burden on Respondents: Approximately 10 hours per respondent. The primary costs to carriers would arise from the design and programming of carrier websites to include a page where a carrier that markets code-share flights discloses any differences between its optional services and related fees and those of the carrier operating the flight. The Department also estimates that carriers would update the fees displayed once per year and would also incur a smaller cost for maintaining these displays.

Estimated Total Annual Burden: Approximately 2,750 hours for all respondents (U.S. and foreign air carriers). Based on an estimated mean hourly wage of $69.50 for software developers,[6] this results in a total annual cost of $191,125.

Frequency: Updated approximately one time each year with some ongoing maintenance required.

We invite comments on: (a) whether the collection of information is necessary for the proper performance of the functions of DOT; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.26, 1.27, 1.48, and 1.49; DOT Order 1351.29A.

Issued in Washington, DC.

Livaughn Chapman, Jr.

Deputy Assistant General Counsel, Office of Aviation Consumer Protection.

[FR Doc. 2026–14209 Filed 7–14–26; 8:45 am]

BILLING CODE 4910–9X–P

[4] *https://data.bls.gov/oesprofile/.*

[5] *https://data.bls.gov/oesprofile/.*

[6] *https://data.bls.gov/oesprofile/.*

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on July 13, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Actions

On July 13, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. RASHEVSKYI, Dmytro (a.k.a. CHABANENKO, Roman; a.k.a. RASHEVSKY, Dmitry; a.k.a. SORIN, Maksim; a.k.a. ''JOBBERJOBBER777''; a.k.a. ''JOHNYW255''; a.k.a. ''RASHDV7''; a.k.a. ''WALKER, Johny''), Dnipro, Ukraine; DOB 05 Jan 1981; nationality Ukraine; Gender Male; Digital Currency Address—XBT 1MT ndG4K51RRMvkzyvguaHnQpiML nxFGzM; alt. Digital Currency Address—XBT 1DfyWki XVVqWfcSduj23qTDis9kb2qvRDa; Digital Currency Address—ETH 0x1d19b52b54e7ef5ea1a4b40b616165e798eac9f8; alt. Digital Currency Address—ETH 0x2C7DcD774b33e10367F7d6385479e04F97d179dc; Digital Currency Address—LTC LcP1DumXkNJbBtSYD3XxAfsJ2nZR5hLdpM; alt. Digital Currency Address—LTC LbPAqHvemZBv3pvAqiAtDnZ3U1t6EziaL1; Digital Currency Address—ZEC t1LHesgnkapziGQCJtrfZWYXhyjfTVo1dvh; Digital Currency Address—DASH XcuGqRfrR85zyDrzVr1gSL5RNjwwpbu2KS; alt. Digital Currency Address—DASH XowUeMFa1FkEUnAHL78E5oqpezMfSB6xP1; Digital Currency Address—TRX TTLRNgLpz5H5tLPuNU4FViUs7zmmAtyvzW; alt. Digital Currency Address—TRX TBFW9gF4oDX5cG44gS7AoxQeujScmm3z6h; Digital Currency Address—DOGE DHzAVdEoL3PjGeLWNdEJwwMA1CeQ9J9Cpo; alt. Digital Currency Address—DOGE DTqpKQ96rqkTvHcohQQd9BksmgRjasHgGo; Digital Currency Address—SOL Fc1EwQUZyTEagaDvA1utHXCcZNyG1x2PLt2DfNu1cJdH; alt. Digital Currency Address—SOL FuCC7GoYwt5TsNTjWL23Xx9UKCvC18chjMEFPL3vJDCC; Passport FG819665 (Ukraine) (individual) [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve engaging in a ransomware attack, such as extortion through malicious use of code, encryption, or other activity to affect the confidentiality, integrity, or availability of data or a computer or network of computers, against a United States person, the United States, a United States ally or partner or a citizen, national, or entity organized under the laws thereof.

2. SILAYEV, Yevgeniy Vladimirovich (a.k.a. SILAYEU, Yauheni), Pestraa iela 8–7, Grodno, Belarus; DOB 09 Nov 2000; nationality Belarus; Gender Male; Passport KH3188588 (Belarus) expires 04 May 2033 (individual) [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve engaging in a ransomware attack, such as extortion through malicious use of code, encryption, or other activity to affect the confidentiality, integrity, or availability of data or a computer or network of computers, against a United States person, the United States, a United States ally or partner or a citizen, national, or entity organized under the laws thereof.

Entity

1. FIRST VPN SERVICE (a.k.a. 1VPNS; a.k.a. FIRSTVPN; a.k.a. ''FVPNS''), Dnipro, Ukraine; website *1vpns.com;* alt. Website *1vpns.net;* alt. Website *1vpns.org;* alt. Website *1jabber.com;* alt. Website *t.me/FirstVPNService;* Email Address *support@1vpns.com;* Digital Currency Address—XBT bc1qdnr88f4d2yqunnc4mjsguezm6g3mlwe44z5dw8; alt. Digital Currency Address—XBT bc1qr4ankqmvmrhce3ydvzse86dfx5s3zhehfr9tg9; Digital Currency Address—ETH 0x2711d73d559f62f4f855ee21f38378f528e07985; Digital Currency Address—LTC ltc1qr8ntsedq8tv0svmxqhzvdcdl5k7kntdmnhwep7; Organization Established Date Oct 2014; Organization Type: Computer programming activities; Digital Currency Address—TRX TUuaxBAWfA5nmsqNfycxYrzEvz4a5GJMGY [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve engaging in a ransomware attack, such as extortion through malicious use of code, encryption, or other activity to affect the confidentiality, integrity, or availability of data or a computer or network of computers, against a United States person, the United States, a United States ally or partner or a citizen, national, or entity organized under the laws thereof.

(Authority: E.O. 13694, as further amended.)

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control.

[FR Doc. 2026–14247 Filed 7–14–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0933]

Agency Information Collection Activity: Request for Retroactive Induction for a Period Previously Completed Under Chapter 33

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision 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 September 14, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra Mccleave, 202–461–9568, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Form 28–10286, Request for Retroactive Induction for a Period Previously Completed under Chapter 33.

OMB Control Number: 2900–0933. *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/previously approved collection.

Abstract: VA Form 28–10286 is primarily used for gathering the necessary information for Veterans to request a retroactive induction for a period previously completed under Chapter 33 benefits. Without this information, a retroactive induction for a period previously completed under Chapter 33 benefits could not be determined. The annual burden hours increased due to the number of respondents increasing from the last approved collection.

Affected Public: Individuals and households.

Estimated Annual Burden: 48,333.33 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 144,601 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–14221 Filed 7–14–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,
No. 134 July 15, 2026

Part II

Nuclear Regulatory Commission

10 CFR Parts 19, 20, 34, et al.
Reforming and Modernizing the NRC's Radiation Protection Framework; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 20, 34, 35, 40, 50, 53, 61, 71, and 72

[NRC–2025–1140]

RIN 3150–AL47

Reforming and Modernizing the NRC's Radiation Protection Framework

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern its standards for protection against radiation. These proposed revisions would address section 5(b) of Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' and would reflect the NRC's experience and other developments in the field of radiation protection since the NRC's last major revisions to these standards in 1991. In addition, the NRC is issuing for public comment draft implementing guidance.

DATES: Comments must be submitted electronically using *https://www.regulations.gov* by 11:59 p.m. Eastern Time on August 31, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2025–1140, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2025-1140.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Caylee Kenny, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7150; email: *Caylee.Kenny@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

The NRC is proposing revisions to its Standards for Protection Against Radiation to address section 5(b) of Executive Order (E.O.) 14300 and to support national policy objectives stated therein. The revisions to the NRC's Standards for Protection Against Radiation reflect the agency's reconsideration of its use of the linear no-threshold (LNT) model for assessing health effects from radiation exposure and its application of the ''as low as is reasonably achievable'' (ALARA) principle that is predicated on LNT. Additionally, the proposed revisions reflect the agency's consideration of shifting to a regulatory framework that uses predominately determinate radiation limits to protect from deterministic and stochastic health effects of radiation exposure. The intent of these revisions is twofold and directed at enabling the safe use of nuclear technology while maintaining reasonable assurance of adequate protection from the health effects of radiation exposure and reflecting on several decades of experience since the last major revisions to the NRC's Standards for Protection Against Radiation. In particular, as further discussed below, the proposed revisions would (1) address unnecessary conservatism and excessive subjectivity in regulatory requirements as they relate to protection from very low doses of radiation, and (2) apply the NRC's considerable regulatory experience to incorporate flexibility and acceptable alternatives in the regulations while maintaining reasonable assurance of adequate protection from the health effects of radiation exposure.

The NRC has determined that certain aspects of its radiation protection standards allow for excessive subjectivity that leads to overly conservative assessments, and thus, are in tension with the NRC's Principles of Good Regulation (see SECY–25–0031, ''Mission Statement Implementation Guidance'' (ML25106A351)), in particular, the ''Efficiency,'' ''Clarity,'' and ''Reliability'' principles. Therefore, the NRC is proposing changes to its regulations and guidance to reduce subjectivity and unnecessary burden on applicants and licensees and to increase flexibility associated with the licensing and use of nuclear technology while maintaining reasonable assurance of adequate protection of public health and safety. Specifically, the NRC has determined that the LNT model may lead to conservative implementation of radiation protection measures at low doses. Consequently, the NRC proposes to remove references to the ALARA principle, which rests on the LNT model's assessment of risks from very low doses of radiation, from its regulations; instead, the NRC would apply a less-subjective, graded approach to managing doses below regulatory limits.

Since the proposed changes would predominantly affect regulations in title 10 of the *Code of Federal Regulations* (10 CFR) part 20, ''Standards for Protection Against Radiation,'' they would impact all categories of NRC licensees, and, to the extent that the affected regulations are required for an adequate and compatible Agreement State program, these proposed changes would impact Agreement States. In addition, the proposed changes would support the safe use and deployment of nuclear technologies while continuing to maintain reasonable assurance of adequate protection of individuals and are founded on a holistic consideration of the NRC's regulatory experience and the current state of science using a weight of scientific evidence decision-making approach, as described in E.O. 14303, ''Restoring Gold Standard Science.''

B. Major Provisions

Major provisions of the proposed rule are the following:

1. Remove ALARA requirements from the regulations in 10 CFR Chapter I, and apply a graded approach to dose management framework that involves determinate thresholds for radiation protection, methods for dose management, and acceptable dosimetry methods.

2. Establish a process, called the planned occupational dose limit extension, whereby individuals can exceed certain annual occupational dose limits as long as certain actions are taken and the resultant doses are maintained below multiyear limitations.

3. Introduce a reporting threshold for required monitoring results related to occupational dose limits.

4. Replace unplanned overexposure reporting criteria for public and occupational effective dose limits with a 5-year dose assessment.

5. Allow for variances in public dose limits and/or accessible dose rates on a case-by-case basis, with the implementation of adequate controls.

6. Enable the optional use of modern dose modeling/calculation methods.

7. Apply a 10-rem design-basis accident acceptance criterion to consequence analyses in Regulatory Guide (RG) 1.183 and retire the use of the ''well-within'' and ''small fraction of'' standards.

8. Allow licensees to use NRC-approved devices for respiratory protection and certain deviations for these devices without separate licensing actions.

9. Introduce revised threshold/constraint for control of radiological effluents to ensure ample margin with the public dose limit and support of environmental policy objectives, while providing a burden reduction and flexibilities for licensees.

C. Costs and Benefits

The NRC prepared a draft regulatory analysis to determine the expected quantitative costs and benefits of this proposed rule, as well as qualitative factors to be considered in the NRC's rulemaking decision. The draft analysis concluded that the proposed rule would result in net cost savings to the industry, Agreement State regulators and the NRC. The key findings of the analysis related to the proposed changes are as follows:

- Cost savings to the industry of approximately $9.53 million/year at a 7 percent discount rate.
- Cost savings to the Agreement State regulators of approximately $244,000/year at a 7 percent discount rate.
- Cost savings to the NRC of approximately $704,000/year at a 7 percent discount rate.
- The draft regulatory analysis also includes a qualitative discussion of factors that were not quantifiable, including precise cost savings and benefits, if the NRC adopts the rule.

The draft regulatory analysis finds that this proposed rule provides cost savings while maintaining exposure to ionizing radiation within safe limits.

For more information, please refer to the draft regulatory analysis cited in the Availability of Documents section.

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C. Executive Order 14192: Unleashing Prosperity Through Deregulation
D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers
E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy
XIX. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–1140 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1140.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Public Meeting:* The NRC will conduct a public meeting to describe the proposed amendments and answer questions from the public on this proposed rule. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: *https://www.nrc.gov/public-involve/public-meetings/index.cfm.*

B. Submitting Comments

Comments must be submitted using *https://www.regulations.gov* by 11:59 p.m. Eastern Time on August 31, 2026. Please include Docket ID NRC–2025–1140 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' which requires the NRC to take a number of actions to help provide the American people with safe, abundant nuclear energy. Section 2, ''Policy,'' of E.O. 14300 sets forth the policy of the United States to (a) reestablish the United States as the global leader in nuclear energy; (b) facilitate increased deployment of new nuclear reactor technologies; (c) facilitate the expansion of American nuclear energy capacity from approximately 100 gigawatts (GW) in 2024 to 400 GW by 2050; (d) employ emerging technologies to safely accelerate the modeling, simulation, testing, and approval of new reactor designs; (e) support the continued operation of, and facilitate appropriate operational extensions for, the current

nuclear fleet, as well as the reactivation of prematurely shuttered or partially completed nuclear facilities; and (f) maintain the United States' leading reputation for nuclear safety. Section 5, ''Reforming and Modernizing the NRC's Regulations,'' of E.O. 14300 requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking addresses section 5(b) of E.O. 14300, which requires the NRC to ''reconsider reliance on the linear no-threshold (LNT) model for radiation exposure and the 'as low as reasonably achievable' standard, which is predicated on LNT,'' and states, ''[i]n reconsidering those limits, the NRC shall specifically consider adopting determinate radiation limits.'' A fulsome explanation of how this rulemaking addresses section 5(b) of E.O. 14300 is provided next.

III. Background

Introduction

The NRC is proposing revisions to its standards for protection against radiation to address section 5(b) of Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' to support the national policy objectives stated in that E.O. and to improve the regulation of the civilian nuclear energy industry, consistent with the aims of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act). All NRC licensees are subject to the NRC's radiation protection requirements set forth in title 10 of the *Code of Federal Regulations* (10 CFR) part 20, ''Standards for Protection Against Radiation.'' These requirements are designed to protect both members of the public and occupational workers from harm that could be caused by exposure to radiation resulting from a licensee's use of radioactive materials. The proposed revisions to the NRC's standards for protection against radiation reflect the agency's reconsideration, based on current scientific knowledge and regulatory experience, of its use of the linear no-threshold (LNT) model for assessing health effects from radiation exposure and its use of the ''as low as is reasonably achievable'' (ALARA) principle that is predicated on the LNT model. Additionally, the proposed revisions reflect the agency's consideration of shifting to a regulatory framework that uses predominately determinate radiation limits to protect from deterministic and stochastic health effects of radiation exposure. These proposed revisions are twofold and reflect the NRC's several decades of experience since the last major revisions to 10 CFR part 20 and would enable the safe use of nuclear technology while maintaining reasonable assurance of adequate protection from the health effects of radiation exposure. Specifically, the proposed revisions would (1) address unnecessary conservatism and excessive subjectivity associated with regulatory requirements as they relate to protection from very low doses of radiation, and (2) incorporate flexibility and acceptable alternatives in the regulations.

At present, there are several factors, such as global competition in the development of advanced, energy-intensive technologies like artificial intelligence, that—combined with a national emergency in energy production as described in E.O. 14156, ''Declaring a National Energy Emergency''—demand urgent action by the NRC to ensure that the NRC continues to enable the safe use of nuclear technology while maintaining reasonable assurance of adequate protection of the public health and safety. Historically, when establishing or revising its standards for protection against radiation, the NRC, as well as its predecessor, the Atomic Energy Commission (AEC), has stated that the standards are subject to change, considering factors such as the development of new scientific knowledge or further regulatory experience (see 22 FR 549, Jan 29, 1957 and 56 FR 23360, May 21, 1991).

As a result of its consideration of current scientific knowledge and regulatory experience, the NRC has determined that certain aspects of its standards for protection against radiation allow for excessive subjectivity that leads to overly cautious assessments regarding radiological risk and methods to mitigate that risk, and that some aspects of the standards are susceptible to selective or inconsistent enforcement. Such an outcome is inconsistent with the NRC's Principles of Good Regulation, in particular, the ''Efficiency,'' ''Clarity,'' and ''Reliability'' principles. Specifically, correcting over-conservatisms in the NRC's regulatory framework would help ensure that the NRC's regulatory activities are consistent with the degree of risk reduction achieved, and increasing objectivity would help ensure that regulated entities and the public are more readily able to understand NRC requirements and plan activities accordingly. Moreover, a more objective regulatory framework would contribute to increasing accountability for the NRC in fairly administering its radiation protection standards and lend stability to nuclear regulation. Therefore, the NRC is proposing changes to its regulations and guidance that reduce subjectivity in the implementation and enforcement of the NRC's regulations, reduce unnecessary burden on licensees, and increase flexibility associated with the licensing and use of nuclear technology, all while maintaining reasonable assurance of adequate protection of the public health and safety.

Since the proposed changes would predominantly affect regulations in 10 CFR part 20, they would apply to all categories of NRC licensees. To the extent that the affected regulations must be adopted for an Agreement State to maintain an adequate and compatible Agreement State program, these proposed changes would impact Agreement States. The proposed changes would support the safe use and deployment of nuclear technologies while continuing to maintain reasonable assurance of adequate protection of individuals. The proposed changes are based on a comprehensive evaluation of the NRC's regulatory experience and the current state of scientific knowledge using a weight of scientific evidence decision-making approach, as described in E.O. 14303, ''Restoring Gold Standard Science.''

Radiation Protection Standards

Current Standards for Protection Against Radiation

The NRC's standards for protection against radiation in 10 CFR part 20 were last significantly revised in 1991 (56 FR 23360, May 21, 1991), with minor revisions being implemented since that time. For example, the NRC introduced changes in areas such as license termination criteria and respiratory protection in 1997 (62 FR 39058, July 21, 1997) and 1999 (64 FR 54543, October 7, 1999), respectively. In short, the 1991 revisions culminated with the Commission adopting, with some exceptions, the 1977 recommendations from International Commission on Radiation Protection (ICRP) Publication 26. These revisions marked a significant departure from the approach to radiation protection that the NRC and its predecessor, the AEC, had followed since the 1950s. The most significant technical change was the adoption of the concept of ''effective'' dose, a concept that uses a series of correction factors to translate the risk associated with any type of radiation exposure to a dose as if it were given to the entire body. Effective dose is particularly

important for predicting and limiting the stochastic effects of radiation exposure (*i.e.,* health effects, such as cancer, whose occurrence is random in nature). As described in the proposed rule for the 1991 revisions of 10 CFR part 20 (51 FR 1092, May 21, 1991), prior to those revisions, regulatory limits were derived from implicit judgements on health effects associated with the use of licensed materials; but in the 1991 revisions, these limits were derived from an increased understanding of the risk of health effects from radiation exposure. For example, the 1991 revisions set the occupational limit for stochastic effects such that the risk of a worker dying from cancer that resulted from occupational exposure to radiation was roughly equivalent to the mortality risk experienced by workers in industries not involving radiation exposures.

As described in the NRC's 1991 final rule, the radiation protection standards were revised based on the following key assumptions: (1) within the range of exposure conditions usually encountered in radiation work, there is a linear relationship, without threshold, between dose and the probability of stochastic health effects (such as latent cancer and genetic effects) occurring; (2) the severity of each type of stochastic health effect is independent of dose; and (3) nonstochastic radiation-induced health effects (*i.e.,* health effects whose occurrence is not random in nature, but rather is based on exceeding an empirically determined threshold dose) can be prevented by limiting exposures so that doses are below the thresholds for their induction. The first and second assumptions imply that the potential health risk associated with radiation exposure is proportional to the dose received and that there is an incremental health risk associated with even small doses. Additionally, the second assumption implies that the severity of a stochastic health effect is not related to the radiation dose received by an individual. Finally, the third assumption implies that there are some health effects for which there is a threshold, meaning that the health effect does not occur if the dose to an individual remains below that threshold value. For such nonstochastic effects (now known as tissue effects), determinate limits are appropriate because the threshold for the effects can be reliably established through observation or experimentation, and thus, a limit can be established below which the effect would not occur.

As it relates to stochastic effects, when the NRC issued its 1991 revisions, the Commission observed, based on studies available at the time, that ''there is an increased incidence of certain cancers associated with radiation exposure at high doses and high dose rates. However, whether these effects occur at very low doses and, if they occur, whether their occurrence is linearly proportional to dose are not firmly established.'' Therefore, the NRC determined that as a policy matter, in the absence of convincing evidence that there is a dose threshold or that the health effects of low levels of radiation are fully understood, the LNT model for cancers and genetic effects was appropriate for formulating radiation protection standards and planning radiation protection programs.

Developments in Radiation Protection Relevant to the NRC's Radiation Protection Regulatory Framework

ICRP Publication 26

The ICRP is an independent organization of members in all fields of radiation protection. It publishes recommendations and guidance regarding radiation protection.

In ICRP Publication 26, the ICRP provided its 1977 recommendations. This was a watershed event in the field of radiation protection. Prior to these recommendations, much of radiation protection was based on limiting the external exposure to individuals and limiting the amount of intake of radioactive materials to radionuclide-specific maximum concentration levels. With the 1977 recommendations, the ICRP introduced the distinction between stochastic health effects and nonstochastic health effects, and it also introduced several new quantities for measuring radiation dose (*i.e.,* equivalent dose and effective dose). Thereafter, the primary focus of radiation protection became protection from those effects that show a threshold and thus whose occurrences are not random in nature (*i.e.,* nonstochastic, or tissue, effects) and protection from those effects that do not show a threshold and whose occurrence is random in nature (*i.e.,* stochastic effects), as opposed to the older approach that essentially focused on protection from internal and external exposures. In ICRP Publication 26, to assess the level of risk, the health effects of internal and external exposures were combined into the concept of effective doses, a quantity that is weighted for types of radiation and organs irradiated, as applicable. This system was largely adopted by the NRC in its 1991 revisions to 10 CFR part 20 and has served as the basis for the NRC's radiation protection regulatory framework ever since.

ICRP Publication 60

At the time that the NRC was developing its 1991 revisions to 10 CFR part 20, the ICRP was in the process of revising its 1977 recommendations. This culminated with the issuance of ICRP Publication 60 in which the ICRP introduced several refinements to the 1977 methods for calculating doses and recommended revised limits for members of the public and occupationally exposed individuals. As it pertains to the recommended public dose limits, the ICRP initially published its new recommendations in 1985. During the development of its 1991 revisions to 10 CFR part 20, which occurred throughout the 1980s, the NRC integrated the new ICRP recommendations for exposure of members of the public into the 1991 rule.

With regard to the occupational dose limit for stochastic effects, the ICRP reduced its recommended limit from 5 rem/year (50 mSv/year) to 2 rem/year (20 mSv/year) averaged over 5 years, not to exceed 5 rem (50 mSv) in any single year. The NRC decided not to follow this recommendation in the 1991 rule for exposure of workers, based on the NRC's regulatory experience. With ICRP Publication 60, the ICRP also introduced changes to several quantities that are significant to dosimetry calculations. For example, the radiation weighting factor was introduced to replace the quality factor in the conversion of absorbed dose to equivalent dose (called dose equivalent in ICRP Publication 26). This change improved the accuracy of calculations because, rather than calculating the biological effects at a given point in an organ as was done with the quality factor, the radiation weighting factor provides values that are averaged over an entire organ. Additionally, several subsequent supporting publications for ICRP Publication 60 (*e.g.,* ICRP Publication 67) sought to improve the biokinetic models used to calculate doses and to provide updated derived limits, like annual limits on intake and radionuclide-specific dose conversion factors.

ICRP Publication 103

The most recent updates to the ICRP's comprehensive recommendations for a system of radiological protection, as of 2026, are contained in ICRP Publication 103, published in 2007. In ICRP Publication 103, the ICRP maintained its recommended dose limits and maintained justification, limitation, and optimization as the fundamental principles of radiation protection.

Additionally, the ICRP updated its recommended tissue weighting factors and its recommended methodology for accounting for detrimental impacts on overall health, and it provided a framework for demonstrating radiological protection of the environment. The NRC has not incorporated the recommendations in ICRP Publication 103 as requirements into its regulations; however, as explained in the sections describing the proposed regulations at § 20.1010 and at Appendix H to 10 CFR part 20, the NRC proposes in this rulemaking to allow applicants and licensees to use dosimetry modeling approaches that differ from those underlying the current 10 CFR part 20, including those that result from ICRP Publication 103.

NCRP 180 and Commentaries 26 and 27

The National Council on Radiation Protection and Measurements (NCRP) is a technical organization dedicated to the development of recommendations that pertain to public policy involving radiation protection. The NCRP holds a Congressional Charter under Public Law 88–376 to support radiation protection by providing independent analysis, information, and recommendations.

The NCRP's latest major set of recommendations for managing exposure to ionizing radiation is provided in NCRP 180, published in 2018. NCRP 180 is largely consistent with the recommendations in ICRP Publication 103 and reflects advances in the understanding of the biological effects of ionizing radiation that have accrued since the NCRP published its last major set of recommendations in 1993. In NCRP 180, the NCRP concluded that the consensus understanding of radiation effects has not changed in a way that significantly impacts recommended numeric protection criteria from the 1990s—which are consistent with the NRC's current regulations—except potentially in the case of dose to the lens of the eye. Specifically, the NCRP recognized that there is a growing body of evidence that health effects to the lens of the eye may occur at lower dose levels than previously estimated, potentially impacting currently accepted threshold values. Additionally, the NCRP observed that some research indicates that vision-impairing cataracts might be better characterized as a stochastic health effect rather than a tissue effect (*i.e.,* a nonstochastic effect that is subject to a threshold). On this topic, NCRP Commentary 26 (2016) recognizes that available data does not yet support a quantitative estimate of a new threshold value.

Separately, the current observations from the ICRP, in ICRP Publication 118, concluded that a nominal threshold of 50 rad (0.5 Gy) for the lens of the eye is appropriate. NCRP Commentary 26 provides updated guidance on radiation dose limits for the lens of the eye, reflecting new scientific evidence on cataract formation at lower doses. The commentary recommends reducing the occupational dose limit for the lens of the eye from 15 rem/year (150 mSv/year) to 5 rem/year (50 mSv/year). This recommendation aligns with international recommendations, including those from the ICRP. However, at the time of this rulemaking, these findings are preliminary and the recommendations are conservative in nature, especially when considering that the current annual limit on dose to the lens of the eye is already less than half of the new nominal threshold observed by the ICRP. Further research in this area may merit reconsideration of the current occupational dose limit for the lens of the eye in the future.

Recent Rulemaking Activity Pertaining to 10 CFR Part 20

In April 2002, the NRC staff commenced an effort to update 10 CFR part 20 to align with what would become the ICRP Publication 103 recommendations. With SECY–01–0148, ''Processes for Revision of 10 CFR part 20 Regarding Adoption of ICRP Recommendations on Occupational Dose Limits and Dosimetric Models and Parameters'' (ML011580363), the staff presented the Commission with options and recommendations for agency action in response to radiation protection-related information that had been developed since the last major revisions to 10 part 20 in 1991. In response, the Commission directed the staff to coordinate with other Federal agencies to ensure that a coherent approach would be applied to the use of updated radiation protection-related information and to monitor the work of the ICRP as it develops what would become ICRP Publication 103.

In December 2008, after the release of ICRP Publication 103, the NRC staff, in SECY–08–0197, ''Options to Revise Radiation Protection Regulations and Guidance with Respect to the 2007 Recommendations of the International Commission on Radiological Protection'' (ML091310193), recommended that the NRC's radiation protection framework be amended to align with ICRP Publication 103. As part of that recommendation, the staff observed that rulemaking would not begin immediately because information required for developing the technical basis for the rulemaking and the regulatory analysis was not available at the time. In response, the Commission directed the staff to ''immediately begin engagement with stakeholders and interested parties to initiate development of the technical basis for possible revision of the NRC's radiation protection regulations, as appropriate and where scientifically justified, to achieve greater alignment with the 2007 recommendations of the [ICRP] contained in ICRP Publication 103.''

In April 2012, after much stakeholder engagement regarding potential changes to the NRC's radiation protection regulatory framework, the NRC staff, in SECY–12–0064, ''Recommendations for Policy and Technical Direction to Revise Radiation Protection Regulations and Guidance'' (ML121020108), communicated to the Commission policy recommendations and the technical basis for revisions to that framework. In response, the Commission approved the development of a regulatory basis for the revision of 10 CFR part 20 and 10 CFR part 50, Appendix I to align those regulations with the most recent methodology and terminology for dose assessment. However, the Commission disapproved the staff recommendations to develop a basis for reducing the limit on occupational total effective dose equivalent and to eliminate the use of traditional units in favor of International System of Units (SI) for radiological measurement. The Commission also directed the staff to continue discussions with stakeholders regarding dose limits for the lens of the eye and for the embryo/fetus. Finally, the Commission directed the staff to continue discussions with stakeholders on alternative approaches regarding radiological protection for individuals at or near the dose limit.

Subsequently, in July 2014, the NRC staff published an advance notice of proposed rulemaking (ANPR) (79 FR 43284, July 25, 2014) to obtain input on its proposed approach to the rulemaking. In response to the ANPR, the NRC received 90 individual comments and about 3,000 form letters. The staff assessed that most of the comments were not supportive of the revision to 10 CFR part 20 in large part because of doubts regarding the safety benefits of the proposed changes when weighed against the costs of implementing the proposed changes.

Finally, in December 2016, as described in SECY–16–0009, ''Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities'' (ML16028A189), and its accompanying

Federal Register notice (81 FR 95410), as part of an agencywide reprioritization initiative, the NRC discontinued this rulemaking activity—having concluded that, ''the current NRC regulatory framework continues to provide adequate protection of the health and safety of workers, the public, and the environment.''

Petition for Rulemaking Regarding the Linear No-Threshold Model and Standards for Protection Against Radiation

In February 2015, the NRC received three petitions for rulemaking (PRMs) requesting that the NRC amend 10 CFR part 20 to discontinue the use of the LNT model as the primary scientific basis for the NRC's radiation protection standards. The NRC published a **Federal Register** notice docketing the PRMs (80 FR 35870, June 23, 2015) and requested public comments. The PRMs sought several specific changes to the regulations, such as the increase of the occupational dose limit from 5 rem to 10 rem; the removal of the concept of ALARA based on the assertion that radiation exposure is beneficial at low doses; the increase of the public dose limit so that it would match the proposed occupational dose limit; and the ending of the use of lower dose limits for pregnant women, an embryo/fetus, and children under 18 years of age.

Upon consideration of the PRMs and associated comments from the public and other governmental agencies and the relevant positions of authoritative scientific bodies, the NRC denied the PRMs. In its denial (86 FR 45923, August 17, 2021), the NRC reviewed the scientific basis for its current regulatory framework and the relevant recent research in the area. A key basis asserted by the PRMs was the concept of hormesis (*i.e.,* that low doses of radiation are beneficial to humans), and that, because of this, the NRC's regulatory framework should be revised to reflect the beneficial nature of low dose exposures for workers and members of the public.

The NRC ultimately denied the PRMs, noting, ''There is scientific uncertainty and no compelling evidence as to whether the hormesis concept is valid for application to radiation protection requirements. None of the national and international authoritative scientific advisory bodies . . . support the hormesis concept as a regulatory model for radiation protection'' (86 FR 45923). With respect to the argument in the PRMs that the concept of ALARA should be removed from the NRC's regulations, the NRC described the intended implementation of ALARA as involving the concept of reasonableness (*i.e.,* ''making 'every reasonable effort' to implement ALARA . . . to the 'extent practical' ''). Notwithstanding public comments regarding the PRMs, which argued that the NRC's implementation of ALARA has led to excessive costs to licensees and has inhibited the growth and innovation of the nuclear sector, the denial explained that compliance with the ALARA requirement is based on whether the licensee has incorporated reasonable measures to track and, if necessary, to reduce exposures—not whether exposures and doses represent an absolute minimum or whether the licensee has used all possible methods to reduce exposures.

While this description of the ALARA requirement remains true today, the NRC recognizes that there have been challenges in the implementation of the ALARA requirement, namely a lack of clarity of when dose reduction is deemed sufficient, excessive subjectivity, and susceptibility for selective or inconsistent enforcement. For example, there is wide variance within the U.S. nuclear industry in how much a given licensee is willing to spend to reduce radiation exposure and regulatory experience indicates that, in general, these industry-determined benchmarks significantly exceed the value promulgated by the NRC in NUREG–1530. Accordingly, the direction in section 5(b) of E.O. 14300 provides an opportunity for the Commission to correct the implementation issues associated with ALARA, consistent with the ''Efficiency,'' ''Clarity,'' and ''Reliability'' principles of the NRC's Principles of Good Regulation.

NRC Response to E.O. 14300 Section 5(b)

The NRC considers its current standards for protection against radiation to be science-based to the extent that adequate methods and analyses have been applied in the works that have been referenced in the development of the NRC's regulations and guidance. However, as has been known for many decades, the uncertainty associated with dosimetric models and methods increases significantly in the low dose range. This is largely because these models and methods rely in part on extrapolations from high-dose and high-dose-rate data as the primary basis for estimation of radiation-related risk at low doses. Such extrapolations of epidemiological data do not fully account for what is known to be a complex, and likely adaptive, cellular response to doses in the low dose range—which includes levels common to NRC-licensed activities—thus, a degree of scientific judgement is used to account for these effects.

Difficulties with using epidemiological data to estimate radiation-related risk at low doses can be attributed to multiple factors. For example, there is difficulty in conducting epidemiological studies with sufficient statistical power to control for confounding factors such as lifestyle choices (*e.g.,* smoking and diet) and population health in order to distinguish between cancers caused by very low level radiation and the large baseline cancer rate to which humans are subjected. For example, Table 12–4 of the BEIR VII Phase 2 report shows that 20 percent of the U.S. population is expected to die from solid cancers (*i.e.,* excluding blood cancers like leukemia). This large baseline cancer rate essentially introduces a signal-to-noise problem with the ''signal,'' or the fatal cancers from very low doses of radiation, are masked by the large ''noise,'' from the baseline fatal cancer rate. From a radiobiological perspective, there are unknowns involving cellular defense mechanisms and how these mechanisms modify the long-term health effects of radiation exposure. The scientific community has sought to address these uncertainties in part by adjusting the slope of the linear approximation of the dose-response relationship through the use of a dose and dose rate effectiveness factor (DDREF). However, the appropriate value of the DDREF is itself subject to uncertainty and is the result of scientific judgement. More importantly, the implementation of the DDREF has not had a practical impact on recommended radiation limits or upon curtailing practices that seek to reduce radiation risk by minimizing exposures even to very low doses.

Thus, while the methods used to establish the basis for the NRC's radiation protection standards are sound, and while these standards are protective of the public health and safety, there are uncertainties associated with the methods and resulting recommendations within consensus-based standards, including their exact degree of conservatism. Regulatory experience, though, has demonstrated that the primary issue is not the standards themselves, but their implementation. For example, those standards that go beyond what is necessary for reasonable assurance of adequate protection and that can be interpreted as requiring continuous dose reductions even to very low doses of radiation have often been applied

without a reasonable stopping point. In these instances, the radiation protection standards have led to outcomes that are overly conservative. As a practical matter, such over conservatism can significantly undervalue the benefits of activities when compared to their risks, sometimes at great economic costs or stifling of innovation.

Reconsideration of LNT and ALARA

The LNT model of radiation protection has led to confusion regarding the risks associated with low doses of radiation exposure and to unintended consequences as it relates to the costs associated with radiation protection at levels common to NRC-licensed activities. This model is used to account for the stochastic nature of some radiogenic health effects. It combines knowledge from epidemiological data from atomic bomb survivors and other cohorts and radiobiological research results to establish a relationship between the amount of radiation dose that a human receives and the health outcome, in particular cancer. The ICRP describes how epidemiological data from high doses are used to predict risk at very low doses:

> The LNT model receives considerable, although not decisive, support from epidemiological studies of radiation-related cancer risk, in the same sense that the risk of mortality and morbidity from all solid cancers combined in the LSS [Life Span Study] is proportional to radiation dose down to about 100 mGy [10,000 mrad], below which statistical variation in baseline risk, as well as small and uncontrollable biases, increasingly tend to obscure evidence concerning any radiation-related risk. This uncertainty is the main reason why it is generally impossible to determine, on epidemiological grounds alone, that there is, or is not, an increased risk of cancer associated with radiation exposures of the order of a few tens of mSv [1 mSv = 100 mrem] and below. Risk estimates for such exposures are obtained through the use of mathematical models that assume a simple relationship, *e.g.,* linear, linear-quadratic, or linear with a dose and dose rate effectiveness factor (DDREF) between risk at higher doses, where epidemiological data tend to be informative, and at doses so low that direct epidemiological observation is uninformative (ICRP Publication 103, paragraph A179).

The radiation dose response relationship is commonly accepted to be linear with changes in slope at lower doses, represented by the DDREF, indicating less health impact per unit dose at lower doses. To date, no threshold has been established in this model, meaning that as the dose decreases to zero, the corresponding risk follows proportionally to zero. However, this lack of a threshold and the proportional relationship between dose and health response are commonly distilled to mean that even the lowest dose will increase the risk of cancer. While this conclusion is technically consistent with the LNT model, it is overly simplistic and leads to confusion because it discounts the effect of known biological responses to cellular upsets and the margins of error associated with slope factors and cancer coefficients that, at low levels of dose, include zero health effects as a possibility.

The NRC recognizes that the quantitative estimation of health risk at very low doses presents longstanding scientific challenges. The NRC acknowledges that advances in radiobiology have identified mechanisms such as DNA damage response and repair, dose-rate effects, and adaptive cellular responses that complicate simple linear extrapolation. However, the NRC finds that no consensus-supported, regulation-ready alternative model to the LNT model exists at this time. In the absence of such a suitable replacement, the NRC has taken this opportunity to address the LNT model's inherent limitations by carefully examining its unintended impact on ALARA practices.

Because of the LNT model's limitations in the very low dose region of the model (sometimes referred to as linear to zero), the radiation protection community has taken a layered precautionary approach, traditionally seeking to minimize radiation exposure in order to minimize the risk of stochastic health effects. Initially, the intent of this practice was to reduce dose ''as low as practicable,'' as described in ICRP Publication 1, the 1959 ''Recommendations of the International Commission on Radiological Protection.'' Subsequently, it was recast to emphasize reasonable approaches to dose reduction, first as ''as low as is reasonably achievable'' and then as the present-day practice of ''optimization.'' However, regulatory experience corroborates the observations in E.O. 14300 regarding the negative consequences of relying on subjective interpretations of reasonableness as it relates to risks from and protective measures for very low doses of radiation. The root of the matter is that there is a difference between eliminating all risks and recognizing when a risk exists but is extremely small, or even within the margin of error that includes zero risk, and that further risk reduction is not reasonable.

The ALARA principle is an outgrowth of applying the LNT model. That is, because the LNT model does not recognize a threshold below which stochastic health effects do not occur, there is an implication that dose should be minimized to also minimize the risk of health effects. However, properly understood, the ALARA principle recognizes that, unless all dose is eliminated, some risk may remain but that the level of that risk should be balanced by the reasonableness of further dose reduction measures. In contrast, over-conservatism in the application of the LNT model at very low doses combined with the potential for enforcement action for noncompliance renders implementation of the model susceptible to rote attempts at dose reduction rather than an approach tempered by a measured consideration of the reasonableness of those reductions. In essence, the reasonableness test that is supposed to be inherent to ALARA-related decision-making has gradually become an expectation that if a means of dose reduction is available, regardless of its reasonableness in relation to the total dose and the amount of reduction, it should be applied without further consideration. In practice, this has at times resulted in significant economic costs and operational and licensing inefficiencies without commensurate public health and safety gains.

This seemingly singular focus on minimizing the risk associated with very low doses is at odds with the long-standing radiation protection recommendations that established these principles in the first place. Notably, as far back as 1977, the ICRP observed that in the choice of alternative practices, radiation risk estimates should be used only with great caution and with explicit recognition of the possibility that the actual risk at low doses may be lower than that implied by a deliberately cautious assumption of linear proportionality of risk with dose.

As observed in E.O. 14300, the ALARA principle as used in the NRC's regulations has lost its intended focus on reasonableness. Instead, as a practical matter, its unbalanced application may very well contribute to more societal harm than the potential harm from the extremely low levels of radiation typical of NRC-licensed activities by hindering the consideration of nuclear technology for energy production and other uses. Therefore, while the NRC recognizes that there is insufficient evidence to refute the use of the LNT model when considering the stochastic health effects of radiation exposure, it also recognizes that the NRC's implementation of the ALARA principle as part of its use of the LNT model—in particular, the nonthreshold

aspect of the model—has led to regulatory burden that is not commensurate with the resulting public health and safety benefit and that is not consistent with the original intent of the ALARA principle.

In light of the foregoing, one purpose of this rulemaking is to restore to the NRC's regulations the original intent of the ALARA principle, which is to ensure that dose reductions below the dose limits are only required to the extent that they are reasonable and are supportive of compliance with those dose limits. The NRC proposes to do this by retiring the use of ALARA terminology in the NRC's regulations; utilizing selected aspects of the linear dose response model in favor of a strict adherence to the LNT model and its emphasis on the lack of a threshold for stochastic effects; and defining required dose management practices below dose limits, which will enable clearer and more objective decision-making regarding dose situations typical of NRC-licensed activities. Stated another way, the NRC proposes to continue to use the linear dose response model, as it continues to be the most appropriate model upon which to base a radiation protection framework; however, the NRC proposes to also detail how licensees should apply a graded approach to dose management to ensure clarity in how doses below the dose limits are to be controlled.

Through this rulemaking, the NRC proposes a complete discontinuation of the use of ALARA terminology in its regulations and guidance. The NRC has concluded that simply issuing a clarification of the intent of the ALARA principle would not be effective in achieving an enduring resolution of the issues associated with the NRC's current implementation of the ALARA principle. As previously discussed, the NRC's current implementation of the ALARA principle allows for excessive subjectivity in the expectations for dose reduction measures, oftentimes resulting in overly conservative outcomes. The proposed rule changes seek to minimize the subjectivity associated with radiation safety decision-making at the low doses typical of NRC-licensed activities. However, these rule changes will not require any changes to licensees' current practices; instead, the rule changes would clarify what is required for compliance but would not preclude licensees from choosing to do more. Therefore, in addition to providing dose limits that are sufficient for the adequate protection of workers and the public, the NRC's regulations would include requirements that are triggered at dose levels below those dose limits to ensure that the dose limits are not exceeded and that radiological hazards are adequately surveyed and controlled. These dose levels would be the basis for a graded approach to dose management.

With the recognition that the NRC's radiation protection regulatory framework is conservative as described previously, the NRC intends as an additional purpose of this proposed rulemaking to provide additional flexibility and to remove from its regulations overly cautious requirements pertaining to radiological matters. Combined with the proposed retirement of the term ALARA, the proposed changes that would enable licensee flexibility would support the NRC's mission statement by enabling the development of nuclear energy in the United States while maintaining reasonable assurance of adequate protection.

For example, the NRC proposes to reduce certain reporting requirements for radiological monitoring and certain exposure situations in excess of limits. Additionally, the NRC proposes to allow licensees to use dosimetry methods that differ from the systems that serve as the basis for certain provisions in the regulations without needing an approved exemption from those regulations. This proposed change would allow licensees to use modern approaches to dosimetry without incurring the burden and costs of an exemption request.

As it relates to public dose limits, the proposed changes would allow applicants and licensees to apply for higher limits for members of the public who enter the controlled area of a facility and to apply for higher limits for members of the public at large. The controlled area of a facility is defined in 10 CFR 20.1003 as ''an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.'' In essence, the controlled area is land that a licensee (or applicant) owns or leases (or will own or lease during the period of the license) and thus where it can legally control occupancy and impose other radiation protection measures, as necessary. Regarding occupational dose limits, the proposed changes would allow licensees to manage occupational doses using a multi-year average dose within acceptable limits without having to implement burdensome provisions associated with planned special exposures when managing the dose limits on an annual basis alone. And, again, these proposed changes would not affect current licensees that desire to continue using their existing practices. These proposed changes are described in greater detail in Section IV.

In accordance with accepted practice in the field of radiation protection, the NRC would continue to emphasize the fundamental radiation protection principles of justification, limitation, and optimization as the guideposts within its radiation protection regulatory framework. However, consistent with International Atomic Energy Agency (IAEA) General Safety Requirements Part 3 (GSR Part 3), ''Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards''—which provides internationally accepted standards to ensure the protection of people and the environment—under the revisions proposed by this rule, compliance with the NRC's regulations would be taken as evidence of the application of those principles in the United States. Specifically, the principle of justification—ensuring that decisions resulting in radiation exposure do more good than harm—is satisfied by the NRC's enacting legislation, NRC regulations, and the licensing process, which ensures that licensed activities are conducted for the general welfare of the American public as authorized by law. The principle of limitation—the regulatory body establishing and enforcing dose limits—is satisfied by the dose limits in the radiation protection standards reflected in the NRC's regulations. These limits continue to be sufficient to provide reasonable assurance of adequate protection of the public health and safety and the graded approach to dose management requirement proposed in this rulemaking ensures that these limits are not exceeded. The principle of optimization—the process for ensuring that the likelihood and magnitude of exposures and the number of individuals exposed are as low as reasonably achievable, with economic, societal, and environmental factors taken into account—is satisfied by licensees complying with the precautionary requirements in the NRC's regulations, and, as applicable, applying prescribed practices when doses are below regulatory limits to maintain doses within those limits. To minimize subjectivity in implementing the principle of optimization and to avoid the overly cautious practices that resulted from the NRC's previous use of the term ALARA throughout its regulations and guidance, the NRC proposes to provide implementation guidance for a graded approach to dose management below regulatory limits.

This approach would ensure that the risk of stochastic effects is adequately controlled by ensuring that regulatory dose limits are not exceeded.

In sum, with this rulemaking, the NRC proposes to use the linear dose response model as a partial basis for its regulations and guidance but would remove from its practices the excessive conservatisms and potential for disproportionate enforcement that result from the LNT model and its emphasis on the lack of a threshold for stochastic effects. This is consistent with the NRC's continued determination that the dose limits are sufficient to provide reasonable assurance of adequate protection of the public health and safety.

Consideration of Determinate Dose Limits

As part of its response to E.O. 14300 section 5(b), the NRC considered whether to propose shifting its radiation protection regulatory framework to be based on a set of determinate dose limits. Determinate dose limits currently exist in the NRC's regulations for nonstochastic effects (tissue effects) because research has revealed that these effects do not occur below a threshold dose value. Thus, a regulatory dose limit can be derived from this threshold dose value by adding margin to the threshold value, and there would be high confidence that no health effects would occur should doses remain within that limit. Such is the case, for example, with the skin dose limit in 10 CFR 20.1201(a)(2)(ii).

Theoretically, a radiation protection regulatory framework based on determinate limits, for both nonstochastic and stochastic effects, could essentially apply a ''go/no-go'' regulatory approach that would deemphasize radiation protection precautions in lieu of verifications that a licensee is maintaining dose values below the applicable dose limit. In order to move to such a regulatory framework, a basis would be required to establish determinate dose limits for stochastic health effects.

At present, there is no scientific consensus establishing a threshold below which stochastic health effects do not occur. As described in SECY–12–0064, as it relates to stochastic effects, ''It is unlikely there might be a threshold level of exposure below which biological response does not occur. Such a threshold could only occur if DNA repair processes were totally effective in that dose range or if a single radiation track were unable to produce an effect. The cellular processes such as apoptosis and cellular differentiation that can protect against later phases of tumorigenesis are judged to be efficient but can be bypassed; there is no reason to believe that those defenses act differently on spontaneous and radiation-induced tumors or have specific dose dependencies.''

Additionally, more recent analysis of datasets focusing on lower doses levels (*i.e.,* 10 rem or less) in ''Issues in Interpreting Epidemiologic Studies of Populations Exposed to Low-Dose, High-Energy Photon Radiation'' (2020), concludes that the totality of scientific evidence suggests that even if a threshold for stochastic health effects existed it would not be higher than 1 rem, which is significantly below the current occupational dose limit of 5 rem per year for stochastic health effects. Such analyses reflect the evolving understanding of stochastic health effects and indicate challenges with establishing a defensible determinate threshold for these types of effects.

Furthermore, as described in ICRP Publication 103 and supporting publications such as ICRP Publication 118, ''ICRP Statement on Tissue Reactions/Early and Late Effects of Radiation in Normal Tissues and Organs—Threshold Doses for Tissue Reactions in a Radiation Protection Context,'' there is growing evidence that other health effects such as cataracts may show stochastic behavior, or that the threshold for the effect, if one exists, is lower than originally understood. Therefore, the NRC, after consideration of the available information, concludes that establishing a determinate regulatory dose limit for both stochastic and nonstochastic health effects and adopting a corresponding ''go/no-go'' regulatory approach is not currently supported by scientific evidence.

Accordingly, the NRC reaffirms its position that the linear dose response model is the most appropriate available consensus model for formulating radiation protection standards and planning radiation protection programs. However, to address deficiencies in the implementation of that model in its current radiation protection regulatory framework, the NRC proposes to provide clarity and increased objectivity to radiation protection decisions by identifying a series of threshold doses that guide actions below the stochastic dose limits. This graded approach to dose management below stochastic dose limits is aligned with the NRC's overall risk-informed approach to regulation. The general purpose of this approach is to ensure that the NRC's radiation protection regulatory framework remains in harmony with scientific consensus while being responsive to the observations in E.O. 14300 regarding the deficiencies associated with the LNT model and the implementation of the ALARA principle in the United States. The graded approach to dose management is described further in Section IV.

Summary of NRC Response to E.O. 14300 Section 5(b)

In summary, as directed by E.O. 14300 section 5(b), the NRC is reconsidering its use of the LNT model and its use of the ALARA principle. The NRC recognizes that there are limitations to the accuracy of the LNT model at very low doses, however, the NRC has also not identified a suitable alternative model. Nevertheless, it may be possible to improve how the NRC addresses the inherent limitations of the LNT model. Therefore, the NRC is proposing changes to how the LNT model is implemented in its regulations and guidance. These changes, as proposed in this rulemaking, are intended to minimize subjectivity regarding radiation protection at low doses and to make sure that the required management of dose below regulatory dose limits is subject to a more objective reasonableness standard.

Additionally, the NRC considered the use of determinate dose limits for stochastic health effects and determined that the scientific understanding of stochastic health effects does not support the establishment of such limits at this time. Instead, consistent with the original intent of the ALARA principle, the changes proposed in this rulemaking would adopt a graded approach to dose management by identifying a series of dose-based levels that would guide radiation protection decisions below regulatory dose limits.

Further, the NRC is proposing several changes to its regulations to enable flexibility and to remove overly cautious requirements, which would support the E.O. 14300 objective of enabling the development of nuclear energy in the United States while maintaining reasonable assurance of adequate protection. The changes proposed as part of this rulemaking would apply regulatory experience and licensee feedback on operational challenges to address key deficiencies in the application of the NRC's current radiation protection standards, while remaining consistent with the current scientific understanding of the health effects of radiation exposure. These changes would represent a rebaselining of applicable regulations and guidance to reduce the subjectivity that has developed over time in the implementation of the NRC's radiation

protection standards with the intent of achieving the original aims of the ALARA principle; specifically, ensuring that the management of dose below applicable dose limits is subject to an objective reasonableness standard that uses sound radiation protection principles.

Should these changes be implemented, the NRC determined that prior licensing decisions—including environmental reviews, license amendments, and approvals—that involved ALARA would remain valid because of their inherently conservative nature (*i.e.,* because of the prior implementation of the ALARA principle, they would be at least as protective as the proposed revised regulations). This is true because compliance with regulatory dose limits is sufficient to provide reasonable assurance of adequate protection for individuals and ALARA practices seek to establish reasonable margin to the limits and limit the overall risk of health effects that are stochastic in nature. Moreover, the proposed regulatory changes define what is reasonable in order to remove subjectivity on the part of licensees—so if licensees had come to these conclusions on their own, the NRC could have accepted their approaches as being commensurate with the ALARA principle at the time.

Additionally, the proposed changes are designed such that existing radiation protection programs that are compliant with the current requirements would be compliant with the proposed new requirements. Accordingly, the proposed changes would not affect current licensees that desire to continue using their existing programs.

Finally, the NRC determined that the proposed changes would maintain a radiation protection regulatory framework that is in harmony with the United States' commitments to the international community. For example, both Article 15 of the Convention on Nuclear Safety (CNS) and GSR Part 3, which serves as a standard for how countries can meet their obligations under the CNS, include the ALARA principle, with the latter discussing ALARA in its description of the concept of optimization. The graded approach to dose management proposed in this rulemaking meets the description of optimization in Requirement 11 of GSR Part 3 and, therefore, also satisfies CNS Article 15. As explained in this rulemaking, the NRC is proposing to remove references to the ALARA principle in its regulations and guidance in order to definitively move away from overly conservative practices that have developed over time in the name of ALARA and, through strictly applying the concept of optimization, return to the original intent of the ALARA principle.

IV. Discussion

Description of Proposed Changes to the Regulations

Definitions

The NRC is proposing to remove the definition of ''ALARA'' because that term would no longer be used within the NRC's radiation protection regulatory framework. In its place, the proposed rule would add the term ''graded approach to dose management.'' This term would be defined as an approach whereby progressively increasing radiation protection measures are required as prospective, or actual, radiation doses exceed determinate dose thresholds to provide reasonable assurance that the applicable regulatory limit is not exceeded. This definition reflects the NRC's determination that its regulatory dose limits are sufficient to provide reasonable assurance of adequate protection of the public health and safety and that the proposed graded approach to dose management requirement ensures that these limits are not exceeded.

The graded approach to dose management serves the purpose of ensuring that dose limits are not exceeded in large part by relying on existing precautionary regulatory requirements (*e.g.,* radiation worker training, radiological monitoring, signage and posting) to control doses below the limits. Additionally, the graded approach to dose management entails that as doses increase and become closer to the dose limits (*i.e.,* at specified determinate thresholds), increasingly more rigorous radiation protection measures would be required to ensure that the dose limits are not exceeded. NRC guidance would provide one acceptable means for establishing a graded approach to dose management, including appropriate determinate thresholds and corresponding radiation protection measures (*e.g.,* shielding, additional work planning) that are considered reasonable for the circumstances.

As discussed further in this document, the NRC is also proposing to allow the use of alternative dosimetry methods as reflected in new proposed sections of its regulations, specifically, 10 CFR 20.1010 and the associated Appendix H to 10 CFR part 20. This change necessitates that several clarifying statements be added to the definitions section of 10 CFR part 20 (*e.g.,* to the definition of airborne radioactivity area) and to other applicable sections of part 20 to account for the potential that a licensee might use alternative methods and/or alternative derived operational values such as annual limits on intakes, labeling criteria, and derived air concentrations.

Additionally, the term ''dosimetry method (or system)'' and its definition is proposed to be added as described later in this section. With the proposed allowance of alternative dosimetry methods, the NRC determined that it would also be necessary to provide definitions for certain terms related to dosimetry concepts that have been introduced as part of modern methodologies (*e.g.,* ICRP Publication 60). Therefore, the terms ''committed effective dose'', ''committed equivalent dose'', ''effective dose'', ''equivalent dose'', ''radiation weighting factor'', and ''total effective dose'' and their definitions are proposed to be added to 10 CFR 20.1003.

A key difference between the dosimetry methods currently incorporated in the NRC's regulations and the newer, alternative dosimetry methods proposed to be allowed as part of this rulemaking involves a distinction between the quality factor and the radiation weighting factor. In using a radiation weighting factor to convert from an absorbed dose to an equivalent dose, the newer, alternative dosimetry methods more accurately capture the health effect on entire organs versus at a single point in the organ as is done when the quality factor is used to develop dose equivalent. Therefore, while the dosimetry methods currently incorporated in the NRC's regulations remain acceptable, the NRC is proposing to include the potential for licensees to use newer, alternative dosimetry methods.

The definitions for the terms ''nonstochastic effect'' and ''stochastic effect'' are proposed to be revised to reflect updated scientific understanding and to align the NRC definition with the Department of Energy (DOE) definition, respectively. The definition for the term ''nonstochastic effect'' would be amended to include the alternative term ''tissue effect'' to reflect modern terminology and to delete cataracts as an example of the effect in consideration of recent research that indicates that this health effect may be stochastic in nature. The definition for the term ''stochastic effect'' would be amended to be consistent with the DOE definition for the term in 10 CFR 835.2, which, in turn, closely matches the definition in ICRP Publication 103.

Additionally, the definition for the term ''Quarter'' is proposed to be revised to correct a typo; the word ''consecutive'' in this definition is currently misspelled.

Units of Radiation Dose

The NRC is proposing to add language to § 20.1004 to account for the potential that, with the proposed addition of the option to use alternative dosimetry methods, licensees and applicants may determine values of equivalent dose/dose equivalent and total effective dose equivalent/total effective dose and effective dose equivalent/effective dose using different dosimetry systems. As stated in paragraph 31 of ICRP Publication 60:

> It is appropriate to treat as additive the weighted quantities used by the [ICRP] but assessed at different times, despite the use of different values of weighting factors. The [ICRP] does not recommend that any attempt be made to correct earlier values. It is also appropriate to add values of dose equivalent to equivalent dose and values of effective dose equivalent to effective dose without any adjustments. If values of weighting factors other than those recommended by the [ICRP] are used, this fact should be clearly stated, and the values should be explicitly given when the quantities are introduced. These weighted quantities should not be added to the [ICRP's] quantities.

The proposed new § 20.1004(e)(3) would address the possibility that a licensee or applicant may apply a custom dosimetry system with the approval of the NRC, which would be required to include provisions, and supporting justification, for tracking dosimetric quantities similar to the approach that is described in paragraph 31 of ICRP Publication 60.

Alternative Dosimetry Methods

The proposed rulemaking would define the term ''dosimetry method (or system)'' as ''an approach for calculating the biological effects of ionizing radiation exposure in humans. The approach provides a repeatable method of converting from fundamental knowledge of radioactive decay to biological effects, typically through modeling and a series of conversion and correction factors for types of radiation emitted and interactions with tissues, organs, and the environment.'' Dosimetry methods are essential to radiation protection because they provide the tools necessary to translate how the physical phenomenon of the energy imparted by radioactive decay results in an impact and potential hazard to public health and safety.

The current radiation protection standards in 10 CFR part 20 use dosimetry methods that are based, with some exceptions, on ICRP Publication 26 (and supporting publications like ICRP Publication 30), which contains the 1977 recommendations of the ICRP. Other NRC regulations and certain license conditions make use of different dosimetry methods. For example, the requirements for technical specifications regarding effluents from nuclear power reactors at 10 CFR 50.36a apply dosimetry methods established in ICRP Publication 1. Additionally, some licensees have applied for NRC approval to use derived limits that are based on more recent dosimetry methods, in particular with respect to internal dose calculations of inhaled radionuclides. The NRC has approved the use of those methods on a case-by-case basis, concluding that their use provides reasonable assurance of adequate protection of the health and safety of workers and the public and complies with applicable regulatory requirements.

Through a proposed new regulation and a proposed new associated appendix, § 20.1010 and Appendix H to 10 CFR part 20, respectively, the proposed rulemaking would give licensees and applicants the option to voluntarily use specific, alternative, dosimetry methods, without requiring a separate, case-by-case NRC review and approval, to demonstrate compliance with the NRC's radiation protection standards in 10 CFR part 20.

The NRC determined that allowing the use of alternative dosimetry methods based on specific, identified publications would offer flexibility to licensees and applicants, increase efficiency in licensing, operations, and the administration of radiation protection programs, and bring the NRC's radiation protection regulatory framework more in line with current recommendations, while maintaining reasonable assurance of adequate protection of the public health and safety. The NRC determined that this change would maintain the effectiveness of its radiation protection regulatory framework because the specific, alternative, dosimetry methods that would be preapproved for use are appropriate for the scope of activities subject to 10 CFR part 20, are technically adequate and have been published by expert, standards-setting organizations, and provide sufficient transparency regarding associated assumptions and uncertainties. The use of dosimetry methods other than these specific methods would still require case-by-case review and approval by the NRC, and acceptability criteria for requests to use such methods are proposed to be added to the NRC's regulations to streamline that process.

To these ends, the proposed new regulation, § 20.1010, would reference a listing of generically approved alternative dosimetry methods in a proposed new Appendix H to 10 CFR part 20, and it would also provide the criteria for the NRC's approval of a method that is not listed in Appendix H. The methods proposed for inclusion in Appendix H have been promulgated primarily by the ICRP, but the listing of generically approved methods would also include methods published by other consensus-setting organizations. Finally, Appendix H would list the conditions, if any, on the use of these generically approved methods. In the future, the NRC expects to update Appendix H as appropriate, including as more methods become available.

The application of alternative dosimetry methods should be described and controlled within a licensee's radiation protection program, as is required by the existing regulation at § 20.2102, such that dose assessments can be evaluated and, if necessary, reconstructed by a knowledgeable third party (*e.g.,* NRC inspector). These programs should ensure that dosimetric quantities are determined in accordance with relevant standards and, once determined, are summed in accordance with the proposed regulation at § 20.1004(e)(3).

Documents Incorporated by Reference for Proposed § 20.1010 and Appendix H to 10 CFR Part 20

Reasonable availability of documents—As part of this rulemaking, the NRC is proposing to incorporate by reference (IBR) documents from the American National Standards Institute/American Nuclear Society (ANSI/ANS) and the International Commission on Radiological Protection (ICRP). Upon approval from the Office of the Federal Register, the documents will be available for inspection at the NRC. Contact the NRC at NRC Technical Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* Material from ANSI/ANS is available for purchase from the ANSI website: *https://webstore.ansi.org/.* Material from the ICRP is available to the public for free viewing online at the ICRP publication website: *https://www.icrp.org/page.asp?id=5.*

IBR Summaries—The NRC is proposing to IBR the following documents into proposed Appendix H to 10 CFR part 20 for use as

preapproved alternative dosimetry methods per proposed § 20.1010:

ANSI/ANS, 2020. Photon and Neutron Fluence-to-Dose Conversion Coefficients. ANSI/ANS–6.1.1–2020. La Grange Park, IL: American Nuclear Society—ANSI–ANS 6.1.1–2020 (reaffirmed 2025) provides coefficients for converting photon and neutron particle fluence to effective dose based on ICRP Publication 116 data. Separate data are used for cranial and caudal irradiation geometries. Effective dose conversion coefficients are provided in tabular form for incident monoenergetic photons having energies from 10 keV to 10 GeV and for neutrons with energies from 0.001 eV to 10 GeV. Finally, an analytical model is provided for evaluating exposures to both photon and neutron fields in the form of a fourth order polynomial with tabulated numerical coefficients corresponding to exposure geometry and energy.

ICRP, 1990. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 1. ICRP Publication 56. Ann. ICRP 20 (2)—ICRP Publication 56 provides an analytical framework for calculating age-dependent committed dose equivalents and effective dose equivalents to members of the public from ingestion and inhalation of radionuclides. The framework incorporates biokinetic and dosimetric models that account for physiological differences from infancy through adulthood and applies the dose calculation methods consistent with ICRP Publications 26 and 30. This report provides organ-specific dose coefficients for 18 radionuclides across six age groups (3 months, 1, 5, 10, and 15 years, and adult) using age-specific anatomical data (*e.g.,* organ masses, bone surface areas) and biokinetic parameters (*e.g.,* gastrointestinal absorption fractions, retention half-times, tissue distribution). ICRP Publication 56 is the first in a series of five reports that also includes ICRP Publications 67, 69, 71, and 72 that provides radionuclide-specific, age-dependent, dose coefficients for members of the public.

ICRP, 1993. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 2 Ingestion Dose Coefficients. ICRP Publication 67. Ann. ICRP 23 (3–4)—ICRP Publication 67 is part two of a series of five reports (*i.e.,* ICRP Publications 56, 67, 69, 71, and 72) that provides radionuclide-specific, age-dependent, ingestion and inhalation dose coefficients for members of the public. This report provides ingestion dose coefficients for 13 radionuclides using the framework described in ICRP Publication 56, but with tissue weighting factors from ICRP Publication 60. Additionally, the report updates age-specific, biokinetic models for the alkaline earth elements, lead, and selected transuranic radionuclides for incorporation of ICRP Publication 60 tissue weighting factors and methods and updated understanding of human biokinetics, as applicable. Lastly, the report provides recalculated ingestion dose coefficients for the radioisotopes covered by ICRP Publication 56 using the ICRP Publication 60 tissue weighting factors and methods.

ICRP, 1994. Dose Coefficients for Intakes of Radionuclides by Workers. ICRP Publication 68. Ann. ICRP 24 (4)—ICRP Publication 68 provides dose coefficients for occupational intakes—inhalation and ingestion—of radionuclides, that applied the tissue and radiation weighting factors from ICRP Publication 60. The report incorporates the revised Human Respiratory Tract Model from ICRP Publication 66 and updated systemic biokinetic models in ICRP Publications 56 and 67. Additionally, the report addresses excretion pathways, gastrointestinal tract modeling, and provides effective dose rates for inert gases and soluble/reactive vapors.

ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 3 Ingestion Dose Coefficients. ICRP Publication 69. Ann. ICRP 25 (1)—ICRP Publication 69 is part three of a series of five reports (*i.e.,* ICRP Publications 56, 67, 69, 71, and 72) that provides radionuclide-specific, age-dependent, ingestion and inhalation dose coefficients for members of the public. This report provides ingestion dose coefficients for five radionuclides not covered in ICRP Publication 67.

ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 4 Inhalation Dose Coefficients. ICRP Publication 71. Ann. ICRP 25 (3–4)—ICRP Publication 71 is part four of a series of five reports (*i.e.,* ICRP Publications 56, 67, 69, 71, and 72) that provides radionuclide-specific, age-dependent, ingestion and inhalation dose coefficients for members of the public. This report provides inhalation dose coefficients for the radionuclides covered in ICRP Publications 56, 67, and 69 and for calcium and curium. Additionally, the report provides biokinetic models for calcium, curium, and decay products for selected radionuclides. Finally, the report provides an approach for determining absorption types in cases where material-specific, absorption type is not known.

ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 5 Compilation of Ingestion and Inhalation Coefficients. ICRP Publication 72. Ann. ICRP 26 (1)—ICRP Publication 72 is part five of a series of five reports (*i.e.,* ICRP Publications 56, 67, 69, 71, and 72) that provides radionuclide-specific, age-dependent, ingestion and inhalation dose coefficients for members of the public. This report provides a compilation of age-dependent committed effective dose coefficients for members of the public from intakes by ingestion and inhalation of the 31 elements covered in ICRP Publications 56, 67, 69, and 71, as well as for the 60 elements covered in ICRP Publication 68 for workers.

ICRP, 2010. Conversion Coefficients for Radiological Protection Quantities for External Radiation Exposures. ICRP Publication 116. Ann. ICRP 40(2–5)—ICRP Publication 116 provides fluence-to-dose conversion coefficients for effective dose and organ absorbed doses from external radiation exposures, based on ICRP Publication 103 recommendations and using official computational phantoms representing the Reference Adult Male and Reference Adult Female. The report covers a broad range of radiation types and various irradiation geometries and includes coefficients for organ-specific doses, eye lens, skin, and skeletal tissues. The report includes annexes with extensive tabulated coefficients, dose-response functions, and guidance for aircraft crew dosimetry.

ICRP, 2015. Occupational Intakes of Radionuclides: Part 1. ICRP Publication 130. Ann. ICRP 44(2)—ICRP Publication 130 provides an introduction to a series of reports that include information for calculating doses from occupational intakes of radionuclides. This report includes sections on control of occupational exposures, biokinetic models (including a revision to the human respiratory tract model that was published in ICRP Publication 66), dosimetric models, monitoring methods and programs, and general aspects of retrospective dose assessment. ICRP Publication 130 is part one of a series of five reports that also includes ICRP Publications 134, 137, 141, and 151 that provides dose coefficients for occupational intakes of radionuclides by inhalation and ingestion. This information in this series of reports was meant to replace the dose coefficients for occupational dose calculations found in ICRP Publications 30 and 68 by implementing the ICRP's recommendations in ICRP Publication 103.

ICRP, 2016. Occupational Intakes of Radionuclides: Part 2. ICRP Publication

134. Ann. ICRP 45(3/4), 1–352—ICRP Publication 134 is part two of a series of five reports (*i.e.,* ICRP Publications 130, 134, 137, 141, and 151) that provides dose coefficients for occupational intakes of radionuclides by inhalation and ingestion. As part of this report series, the ICRP published an electronic database (available at *https://www.icrp.org/*) that contains a comprehensive set of committed effective and equivalent dose coefficients, committed effective dose per content functions, and reference bioassay functions that apply to scenarios involving inhalation, ingestion, and direct input to blood. This report provides data on several individual elements and their radioisotopes, including information on chemical forms encountered in an occupational setting, decay information, and reference parameter values for input into biokinetic models. Additionally, this report provides several corrections that are applicable to ICRP Publication 130.

ICRP, 2017. Occupational Intakes of Radionuclides: Part 3. ICRP Publication 137. Ann. ICRP 46(3/4)—ICRP Publication 137 is part three of a series of five reports (*i.e.,* ICRP Publications 130, 134, 137, 141, and 151) that provides dose coefficients for occupational intakes of radionuclides by inhalation and ingestion. As part of this report series, the ICRP published an electronic database that contains a comprehensive set of committed effective and equivalent dose coefficients, committed effective dose per content functions, and reference bioassay functions that apply to scenarios involving inhalation, ingestion, and direct input to blood. This report provides data on several individual elements and their radioisotopes, including information on chemical forms encountered in an occupational setting, decay information, and reference parameter values for input into biokinetic models. Additionally, this report provides background information for dosimetry of radon progeny and dose coefficients in the electronic database referenced above.

ICRP, 2019. Occupational Intakes of Radionuclides: Part 4. ICRP Publication 141. Ann. ICRP 48(2/3)—ICRP Publication 141 is part four of a series of five reports (*i.e.,* ICRP Publications 130, 134, 137, 141, and 151) that provides dose coefficients for occupational intakes of radionuclides by inhalation and ingestion. As part of this report series, the ICRP published an electronic database that contains a comprehensive set of committed effective and equivalent dose coefficients, committed effective dose per content functions, and reference bioassay functions that apply to scenarios involving inhalation, ingestion, and direct input to blood. This report provides data on several individual elements and their radioisotopes, including information on chemical forms encountered in an occupational setting, decay information, and reference parameter values for input into biokinetic models. Additionally, this report provides several corrections that are applicable to ICRP Publication 137.

ICRP, 2020. Dose Coefficients for External Exposures to Environmental Sources. ICRP Publication 144. Ann. ICRP 49(2)—ICRP Publication 144 provides the technical basis for the calculation of external dose-rate coefficients for environmental exposure of members of the public, as well as a tabulation of coefficients. The calculations include modeling of environmental radiation fields, computation of organ and effective dose-rate coefficients for exposures to monoenergetic photons and electrons, and the use of these data to calculate dose-rate coefficients. The report provides tables of dose-rate coefficients for selected radionuclides for use in determining external doses from submersion in water, submersion in air (1 meter above ground), and for radionuclides distributed at a depth of 0.5 g/cm^2 in soil. The supplementary material that accompanies the report provides external dose-rate coefficients for 1,252 radionuclides of the 97 elements whose decay information is provided in ICRP Publication 107. Additionally, this report provides dosimetry information for the skeleton and the skin.

ICRP, 2022. Occupational Intakes of Radionuclides: Part 5. ICRP Publication 151. Ann. ICRP 51(1–2)—ICRP Publication 151 is part five of a series of five reports (*i.e.,* ICRP Publications 130, 134, 137, 141, and 151) that provides dose coefficients for occupational intakes of radionuclides by inhalation and ingestion. As part of this report series, the ICRP published an electronic database that contains a comprehensive set of committed effective and equivalent dose coefficients, committed effective dose per content functions, and reference bioassay functions that apply to scenarios involving inhalation, ingestion, and direct input to blood. This report provides data on several individual elements and their radioisotopes, including information on chemical forms encountered in an occupational setting, decay information, and reference parameter values for input into biokinetic models. Additionally, this report provides effective dose rate coefficients for several radionuclides that apply to the submersion exposure pathway of occupationally exposed individuals, and it provides a description of how the contribution to dose from progeny is accounted for in this series of reports.

References to the ALARA Principle

As part of this rulemaking, the NRC is proposing to remove references to the ALARA principle from its regulations and guidance. While the implementation of the ALARA principle based on the NRC's current regulatory language has generally led to low overall radiation doses, over time it has also resulted in overly cautious dose reduction efforts beyond what are reasonable and lacking clear alignment with actual risk or benefit. As E.O.14300 observes, implementing the ALARA principle in this manner has resulted in over-conservatism likely to the detriment of nuclear technology development because it leads to an overemphasis on the reduction of risks that the state-of-knowledge identifies as being minimal. The ALARA principle has also been superseded by the concept of optimization in the system of radiation protection recommended by the ICRP. As discussed previously in this document, in response to E.O. 14300, the NRC reconsidered the use of the ALARA principle in its regulations and determined that in order to return to the original intent of the ALARA principle and to align with the more recent concept of optimization, the appropriate approach would be to replace the ALARA principle with a requirement for a graded approach to dose management. To this end, the NRC proposes to remove all instances of the term ALARA from its regulations and to specify that the original intent of the ALARA principle will be achieved through the use of a new graded approach to dose management.

The concept of optimization is defined in the 2022 IAEA Nuclear Safety and Security Glossary as, ''The process of determining what level of protection and safety would result in the magnitude of individual doses, the number of individuals (workers and members of the public) subject to exposure and the likelihood of exposure being as low as reasonably achievable, economic and social factors being taken into account (ALARA).'' Requirement 11 of the IAEA's GSR–3 states that, ''The government or the regulatory body shall establish and enforce requirements for the optimization of protection and

safety, and registrants and licensees shall ensure that protection and safety is optimized.'' Further details regarding the regulatory body's responsibilities pertaining to optimization include establishing requirements for optimization, requiring documentation addressing optimization, and the administration of constraints (or thresholds) on dose, or risk, as appropriate. The 2022 IAEA Nuclear Safety and Security Glossary describes the purpose of constraints as boundaries in defining the range of options in optimization.

As discussed previously in this notice, in order to address the problems of subjectivity and over-conservatism that were introduced over time through the implementation of the references to the ALARA principle throughout the NRC's regulations, the NRC proposes removing these references and replacing them with a requirement for a graded approach to dose management, which would essentially be an application of the concept of optimization that, below the dose limits, relies on various existing regulatory requirements as well as licensees' individual radiation protection programs to manage dose. NRC guidance would provide an acceptable approach for this. The graded approach to dose management would rely on a series of threshold doses below the regulatory dose limits and dose management actions to be taken at each threshold dose. These threshold doses and dose management actions would generally correspond to existing requirements in 10 CFR part 20 or other regulations and, therefore, should already be incorporated within the radiation protection programs of existing licensees to a degree ''commensurate with the scope and extent of licensed activities'' as is currently required by § 20.1101.

For any occupational exposure scenario, compliance with 10 CFR part 20 would provide both optimization and reasonable assurance of adequate protection from radiation exposure up to and including planned special exposure events and the proposed planned occupational dose limit extensions. For example, licensees are required to conduct surveys, control access to certain areas, store material appropriately, and use signs, postings, and labels to warn workers of radiological hazards. These provisions are in effect for the full spectrum of radiological hazards that a licensee could encounter during the course of its licensed activities, and thus, these provisions form the first set of dose management actions below the regulatory dose limits that would be credited as part of a graded approach to dose management.

Under a graded approach to dose management, additional dose management actions would apply as radiological hazards increase and move closer to the applicable regulatory dose limit. The dose levels corresponding to dose management actions are threshold doses in that they represent determinate boundaries above which a specific action is required and below which they are inapplicable (*i.e.,* there is no subjectivity to when a specific dose management action should be taken). Examples of these progressively increasing, threshold doses for occupational exposure are: expected doses of 100 mrem/year, 500 mrem/year, and 5 rem/year. Specifically, above an expected dose of 100 mrem/year, licensees are required to provide instructions to workers (*i.e.,* radiation worker training) per 10 CFR 19.12; above an expected dose of 500 mrem/year, or, more specifically, 10 percent of the applicable limit, licensees are required to monitor doses to individual workers per 10 CFR 20.1502; and above an expected dose of 5 rem/year (*i.e.,* the regulatory dose limit), licensees can exercise the proposed new planned occupational dose limit extension of § 20.1205 or the existing planned special exposure process of § 20.1206, if the situation requires higher dose.

The NRC is developing guidance to further explain and provide acceptable approaches for implementing the graded approach to dose management, including alternative radiation protection measures not already set out in the NRC's regulations that would help ensure that dose limits are not exceeded. The NRC's guidance would explain that it would be acceptable for radiation protection measures under the graded approach to dose management to be supported by a comparison of the cost of the radiation protection measure (*e.g.,* shielding, additional workers, robotics) to a reasonably calculated cost-basis of an averted person-rem. The proposed guidance would provide that one example of a reasonable cost-basis standard is provided in NUREG–1530, ''Reassessment of NRC's Dollar Per Person-Rem Conversion Factor Policy.'' Specifically, in that guidance document, the NRC establishes the cost of an averted person-rem by multiplying a value of a statistical life coefficient—a factor that corresponds to society's willingness-to-pay for small reductions in a particular mortality risk—by a cancer mortality risk coefficient. The nominal cost of an averted person-rem under this standard is $5,200 (in 2014 dollars). Taken together, this means that it would be acceptable for considering under the graded approach to dose management whether additional radiation protection measures are reasonable based on a need to spend $5,200 to avoid a person-rem of exposure. Consequently, if a radiation protection measure were more costly than that, the licensee would have an acceptable cost-justified basis for not implementing the measure and instead accruing the dose as long as that dose is within the regulatory dose limits or, if applicable, the licensee complies with the provisions regarding planned occupational dose limit extensions or planned special exposures. In this manner the graded approach to dose management would maintain occupational dose below the regulatory dose limits while replacing the subjectivity of the current ALARA-based regulations with objective cost-benefit analyses. This guidance would be issued subsequent to this rulemaking as part of the NRC's planned two-phased approach to issuing guidance associated with this rulemaking, see Section VI, ''Availability of Guidance,'' for more information.

As part of this rulemaking, the NRC also proposes to require a graded approach to dose management with respect to public dose in place of the existing implementation of the ALARA principle. The objective is to maintain a layered protective approach to potential public dose as a precautionary measure. Public dose differs from occupational exposure in several key respects. First, the dose to individual members of the public is generally calculated based on an exposure scenario, whereas occupationally exposed individuals are usually monitored. For example, with respect to nuclear power plant effluents, the member of the public is assumed to be a hypothetical maximally exposed individual who represents the maximum exposure regarding food consumption, occupancy, and other usage in the vicinity of the plant site. Another example is that for a waiting room in a medical facility, the facility may conduct area monitoring and assume conservative occupancy of the waiting room. Another difference between public dose and occupational dose is that the dose limit itself is much lower for the public than for occupationally exposed individuals (*i.e.,* 100 mrem/year vs. 5,000 mrem/year, respectively), and the public dose limit represents a very low level of risk. Specifically, as described in Table 12–4 of the BEIR VII report, the average lifetime risk of dying from cancer is 20 percent, and a lifetime (*i.e.,* 70 years) of

exposure at the public dose limit of 100 mrem/year would conservatively result in an addition of only 0.35 percent to that average lifetime risk. Importantly, the public dose limit is based on the risk of cancer mortality to a large population that is assumed to be exposed at the full limit for a lifetime. However, as just mentioned in the nuclear power plant effluent and medical waiting room examples, in practice, licensees calculate bounding doses to smaller subsets of the population and use the parameters in those calculations to control doses (*e.g.,* reducing effluents from power plants or installing shielding around medical equipment). This means that the actual dose to the average member of the public from NRC licensed activities is assuredly below the limit, and thus, that that individual faces an even smaller risk than the already small risk that is assumed by a lifetime of exposure at the limit.

Because of these inherent conservatisms, the NRC would explain in guidance that one acceptable way of managing dose below the public dose limit—which management would be required under the proposed new graded approach to dose management—is to perform cost-benefit analyses using the assumptions of NUREG–1530, or equivalent assumptions, for any doses to members of the public that are projected to be greater than or equal to 25 percent of the public dose limit (*i.e.,* 25 mrem/year). In addition, this approach to managing public dose would also be acceptable because the existing precautions in 10 CFR part 20 (*e.g.,* waste disposal regulations in subpart K) or other regulations intended to limit public dose (*e.g.,* 10 CFR 50.36a) are sufficient to manage doses to the public within the public dose limits as required by § 20.1101. Stated another way, the assumptions in the calculation of public dose and in the public dose limit itself, in combination with already-existing NRC requirements related to dose management, make it so that it is acceptable to comply with the proposed new graded approach to dose management by not analyzing projected public doses below 25 mrem/year and by performing a cost-benefit analysis for projected public doses greater than or equal to 25 mrem/year. This approach would essentially reestablish the original intent of the ALARA principle of minimizing dose below limits to the extent that doing so is reasonably achievable and would ensure that dose limits are not exceeded. Again, as with the implementation of the proposed new graded approach to dose management for occupational dose, whereas the NRC's proposed guidance provides one way by which a licensee can satisfy that requirement for public dose, licensees may propose other ways to satisfy the requirement.

Effluents

The NRC's regulations include requirements for maintaining control over the release of radioactive material to the environment during normal reactor operations. For example, under § 50.34a and § 50.36a, the NRC requires nuclear power plant licensees to include in their facilities measures to control radiological effluents to the environment—including via monitoring and control systems—and to have in their licenses technical specifications to control the release of effluents. For power reactors, Appendix I to 10 CFR part 50 provides numerical design objectives regarding effluents. These design objectives are translated into performance criteria that are reflected in plant-specific technical specifications. In these requirements, effluents are quantified using the calculated dose that a member of the public would receive when exposed to the effluents under limiting conditions, *i.e.,* the hypothetical maximally exposed individual who represents the maximum exposure regarding food consumption, occupancy, and other usage in the vicinity of the plant site.

A similar requirement regarding air emissions for licensees not subject to § 50.34a and § 50.36a is provided in § 20.1101(d). These requirements were added to the NRC's regulations to provide design objectives and constraints to ensure that radioactive effluents (and thus the resulting public doses) would be maintained consistent with the ALARA principle. Additionally, the NRC has used these types of regulations to meet environmental protection-related obligations under the Clean Air Act (CAA) and to demonstrate compliance with the environmental protection standards for nuclear power operations under 40 CFR part 190. In NUREG–0543, the NRC describes how a licensee would be in compliance with the dose-based requirement in 40 CFR part 190, if the licensee maintains effluents below the numerical criteria of Appendix I to 10 CFR part 50.

In the context of the CAA, the NRC has historically worked with the U.S. Environmental Protection Agency (EPA) to develop effluent standards that are sufficiently low to support EPA determinations and to ensure that NRC licensees are not subjected to redundant regulation from multiple agencies (see, *e.g.,* 42 FR 2858, 54 FR 51654, and 61 FR 65120). As part of the development of the current air emissions constraint in § 20.1101(d), the NRC ensured that the value of that constraint would be such that the Administrator of the EPA could determine that the constraint provided ''ample margin of safety,'' as is required under Section 112(d)(9) of the CAA. This ''ample margin'' determination is explained in the proposed and final rules that promulgated the National Emissions Standards for Hazardous Pollutants (NESHAPs) for radionuclides (54 FR 9612 and 54 FR 51654, respectively). EPA supported its determination that the NRC's regulations would satisfy the ''ample margin'' statutory requirement with studies of air emissions from NRC and Agreement State licensees. In total, these studies considered air emissions from 412 facilities on an annualized basis. EPA found that air emissions from most facilities do not result in doses exceeding 1 mrem/year with a small percentage of facilities approaching, but none exceeding, 10 mrem/year.

As part of its response to E.O. 14300, the NRC reconsidered risk analyses that are based on the LNT model and the implementation of the ALARA principle, as described elsewhere in this proposed rule. As it pertains to doses to members of the public, the NRC maintains that there is reasonable assurance that public health and safety is adequately protected at all doses below the NRC's current regulatory dose limit of 100 mrem/year. Dose reduction below this limit in and of itself is not necessary for ensuring the public health and safety; instead, as clarified by this proposed rulemaking, dose reduction serves the purpose of ensuring that ample margin exists to the regulatory dose limit and thus ensures that the limit is not exceeded. Regarding the contribution of effluents to public dose, this margin to the dose limit is maintained by the requirements in the NRC's regulations that pertain to the monitoring and control of effluents and by licensees' actions to manage dose, which could include performing cost-benefit analyses to support decision making on additional measures for controlling doses below the dose limits.

Accordingly, the NRC is proposing revisions to radionuclide emissions standards in 10 CFR 50.34a, 10 CFR 50.36a, 10 CFR part 50 Appendix I, and 10 CFR 20.1101(d) because it has determined that they are excessively cautious and overly burdensome. Specifically, the NRC is proposing to increase its radionuclide emissions standards from the current regulatory constraint in 10 CFR 20.1101(d) of 10 mrem per year to 25 mrem per year. The

NRC's position is that this would remove excess conservatisms while continuing to provide an adequate basis to EPA that the NRC's regulatory framework provides ''ample margin of safety to protect the public health'' under section 112(d)(9) of the CAA. To illustrate, in its proposed NESHAP rule for radionuclides, the EPA characterized the maximum lifetime risk of fatal cancer from natural background radiation from all sources, including naturally occurring radon, as approximately $1x10^{-2}$, or 1 case per 100 people. Using a current, widely accepted, and likely conservative cancer risk coefficient of $5x10^{-4}$ per rem (see NCRP 180, Section 4.1), an individual receiving a dose of 10 mrem per year, the current regulatory constraint in 10 CFR 20.1101(d), for 70 years would experience an excess fatal cancer risk of $3.5x10^{-4}$, or about 0.04 cases per 100 people. If the dose to that individual were raised to 25 mrem per year, the proposed new regulatory constraint, for 70 years, the individual would experience an excess fatal cancer risk of $8.7x10^{-4}$, or about 0.09 cases per 100 people. When compared to the baseline lifetime risk of fatal cancer of approximately 0.2 (*e.g.,* as provided in Table 12–4 of the BEIR VII report), or 20 cases per 100 people, the risks of these environmental levels of radiation exposure, at both 10 mrem per year and 25 mrem per year, are a small fraction and well below the 100 mrem per year public dose limit.

In addition to reconsidering its current radionuclide emissions standards through a risk perspective, the uncertainties associated with risk estimates based on extrapolations from high-dose and high-dose-rate data provide additional support for the NRC's position that its proposed increase to its radionuclide emissions standards would remove excess conservatisms while still providing reasonable assurance of adequate protection of the public health and safety and would also continue to support EPA's determination that the NRC's standards provide an ample margin of safety under the CAA. Adjustments in the slope of the dose response curve, such as is done with the DDREF, are helpful in the extrapolation of high-dose/high-dose-rate data to low doses; however, there is subjectivity and potential conservatism associated with this adjustment. Additionally, there is evidence for adaptive cellular response, which would mitigate the health effects of exposures at low doses, especially those resulting from effluents. The NRC determined that these uncertainties were undervalued in the establishment of the radionuclide emissions standards that the NRC currently uses.

The NRC's proposed approach to the regulation of effluents would involve allowing licensees to continue using the existing effluent constraints of 10 mrem per year or allowing licensees to use a new constraint of 25 mrem per year TEDE or TED, as applicable. Regardless of the constraint used by a licensee, if the licensee demonstrates that its effluents are below the 25 mrem per year level, it would only be required to collect and retain effluent data on an annual basis and in a format that can be inspected by the NRC. If a licensee releases effluents greater than or equal to the 25 mrem per year constraint, that licensee would be required to collect and retain effluent data and submit relevant reports to the NRC on an annual basis until levels are returned to below the 25 mrem per year constraint. Additionally, such a licensee would be required to evaluate and consider implementing cost-justified corrective actions to restore effluent levels to below the 25 mrem per year constraint. NRC guidance would provide that one acceptable method for performing this evaluation would be to use the dollar per person rem value from NUREG–1530. If a cost analysis demonstrates that corrective actions are not justified, the licensee could propose a new constraint that would support continued operations in a cost-justified manner, but this new constraint would be required to be below the public dose limit. A similar approach would be taken during the licensing of a new facility, *i.e.,* a constraint higher than the regulatory constraint, but lower than the public dose limit, could be proposed as needed to support operations in a cost-justified manner. These changes are being proposed to §§ 20.1101(d), 50.34a, and 50.36a and to appendix I to 10 CFR part 50. To avoid disruptions to existing licensees, the NRC is proposing these changes such that existing effluent programs will remain compliant with the NRC's requirements, as amended, and that licensees can adopt changes on a voluntary basis.

The NRC understands that its radionuclide emissions constraint relates to EPA's ample margin determination under section 112(d)(9) of the CAA. According to CAA section 112(d)(9), the EPA must consult with NRC prior to a new or revised ample margin determination. The NRC's proposed position is that the proposed change to its radionuclide emissions constraint could continue to provide an adequate basis to EPA for such a determination.

Additionally, the NRC is proposing to revise paragraph C of Section IV of Appendix I to 10 CFR part 50 to add ''§ 52.110'' to the applicability of the provisions in that paragraph. This is an editorial change to make paragraph C consistent with the applicability specified in the introductory paragraph of Section IV.

Planned Occupational Dose Limit Extension

In the NRC's current regulations, planned special exposures (PSEs) (see 10 CFR 20.1206) allow occupationally exposed individuals to receive doses in excess of the applicable limit to a maximum of twice the applicable limit in one year, provided that certain criteria are met (*e.g.,* documentation tracking lifetime dose and remaining bank of PSE-dose). There is a cap on PSE-dose of five times the applicable limit over the lifetime of an individual. To ensure compliance with this lifetime cap, a licensee must ascertain the lifetime exposure history of an individual prior to conducting a PSE of that individual. Additionally, a PSE is viewed as a tool to be used only during exceptional circumstances. As such, PSEs involve additional reporting and recordkeeping requirements when compared to routine occupational exposures. Since the NRC added the regulations allowing for PSEs in the 1991 revisions to 10 CFR part 20, PSEs have not been used by licensees, as demonstrated through a lack of reports having been submitted to the NRC per § 20.2204.

The NRC has determined that the administrative burden associated with PSEs (*e.g.,* determination of lifetime exposure histories and additional reporting requirements) combined with the characterization of a PSE as a tool to be used only in exceptional circumstances is not commensurate with the radiological risk involved with exposures at occupational levels. Additionally, the increased administrative burden associated with PSEs likely dissuades licensees from viewing PSEs as a viable option for occupational dose management. Given this background and to enable flexibility in the balancing of occupational exposure with operational needs, the NRC is proposing to codify in 10 CFR 20.1205 a new process for allowing workers to receive doses in excess of applicable annual limits: the planned occupational dose limit extension (DLE). This optional process would make available to licensees a method to manage a justified, pre-planned exceedance of annual occupational limits for workers, provided that an

adequate decision-making process is applied to support its use and that the overall dose is limited within specified multi-year average values and annual limits are limited to twice the applicable limit. Although the NRC is also maintaining the current PSE process in its regulations, the proposed new planned occupational DLE would be less burdensome for licensees to implement while still maintaining occupational doses, and thus the underlying risk, within acceptable values.

The proposed new planned occupational DLE would allow licensees to access, in the current year, occupational dose that was not given to a worker in previous years. Dose limits generally serve two purposes: (1) to avoid nonstochastic/deterministic effects, also called tissue effects, and (2) to manage stochastic risk to an acceptable level. Nonstochastic/deterministic effects, or tissue reactions, are effects that are only seen once a threshold is exceeded and their severity is dependent upon the dose received. Protraction of dose reduces the risk of nonstochastic/deterministic effects especially at doses below the threshold because the body is able to heal the biological damage resulting from the dose received. Stochastic effects are random in nature; they are not subject to a threshold and the severity of the health effect is independent of the dose received. Currently accepted models assume that for stochastic effects the likelihood/risk of an adverse health effect occurring increases proportionately with dose. Each of the NRC's occupational dose limits functions to limit the risk of adverse health effects associated with radiation exposure to levels that have been determined to be acceptable for routine occupational situations.

Occupationally exposed individuals rarely approach even small fractions of applicable dose limits (see NUREG–0713) because of licensees' existing dose management efforts, which are generally founded on ALARA practices. In general, the fact that the risk from radiation exposure has been made negligible because of these dose management efforts is a net benefit. However, it is likely that these measures have resulted from overly conservative decision-making. Additionally, some licensees use locally developed administrative limits to maintain margin to occupational dose limits. Occasionally, normally during maintenance periods, licensees may encounter the need for workers to be exposed to doses in excess of annual limits but still within the standards for protecting against the health effects of radiation exposure (*e.g.,* long-term averages with respect to lifetime doses). In these cases, in part to avoid the added burden of PSE use, licensees employ additional measures (*e.g.,* shielding) or use additional workers to spread out the dose so as to maintain individual doses below limits. However, these actions may increase the cost and the time associated with the work in a manner that is not commensurate with the risk associated with the dose.

To encourage more reasonable decision-making regarding doses at levels corresponding to occupational exposures, consistent with the original intent of the ALARA principle and the proposed graded approach to dose management, the NRC is proposing to add to its regulations the planned occupational DLE process to allow licensees to periodically exceed applicable dose limits for an individual worker provided that certain criteria are met. The NRC proposes to define the dose allowed for a planned occupational dose limit extension as the occupational exposure that was unused by the individual over the most recent 5-year period. For example, for the TEDE limit of § 20.1201(a)(1), this would mean the dose available is equal to the product of 5 years and 5 rem TEDE, totaling 25 rem TEDE, minus the actual annual TEDE received by the individual in the current year and the preceding 4 years. A similar approach can be used to determine the allowable dose for a planned occupation dose limit extension of the deterministic limits, with the exception of the lens dose limit. Licensees would be able to apply this allowable dose, or ''retrospective dose,'' up to a total dose of twice the applicable annual dose limit in the current year. Thus, the annual limit for the planned occupational dose limit extension would be consistent with the dose that is allowed through the planned special exposure, with the exception of lens dose.

The safety basis for the proposed new planned occupational dose limit extension process relies on the fact that annual dose limits are derived with the intent to limit total lifetime exposure to an individual worker and to preclude deterministic effects. However, because total lifetime exposure is not a practical value to measure, radiation protection standards prescribe annual stochastic limits that are essentially fractionated lifetime totals. Therefore, the annual stochastic limits in and of themselves should not be viewed as demarcations of safety or thresholds above which health effects are expected. Instead, they are regulatory tools to manage the long-term risks of exposure. As such, these limits can safely be exceeded to a certain extent in the short-term, provided that long-term doses continue to be controlled adequately. When an occupationally exposed individual receives an annual dose below the annual limit, that individual is experiencing a smaller risk than was originally assumed to be acceptable for a radiation worker in developing the annual dose limits. In general, this is a positive outcome, primarily because of the corresponding reduction in risk that is associated with reductions in dose inherent to the statistical nature of stochastic effects. However, this also means that there often exists unused retrospective dose that could be safely used, provided that an adequate decision-making process is applied to support its use and that the overall dose is limited within specified multi-year average values. Deterministic effects would not result from the planned occupational dose limit extension process because those effects are only seen when certain thresholds are exceeded, and the restrictions on the planned occupational dose limit extension process would maintain doses below those thresholds.

The proposed new planned occupational dose limit extension process, as described in § 20.1205, would allow a licensee to authorize an individual worker to receive a dose in excess of annual occupational dose limits provided that (1) the licensee does not authorize a dose that would cause the individual to receive twice the applicable annual dose limit in a year, and (2) sufficient retrospective dose is available to the individual. This process would also entail limitations and reporting and recordkeeping requirements. For example, approval of a planned occupational dose limit extension for an adult worker must be in writing before the exposure occurs; the individual must be informed of the purpose of the planned operation, estimated doses and their associated risks, and measures taken to manage doses; and the licensee must determine the occupational exposure of the individual during the current and preceding four years (see 10 CFR 20.1205). Furthermore, declared pregnant women and minors would not be allowed to participate in planned occupational dose limit extensions. Additionally, because of the uncertainty associated with the health risks of lens dose, as discussed previously in this document, the NRC has decided to exclude exceeding the annual lens dose limit from the proposed new planned

occupational dose limit extension process; however, licensees could still use the current PSE process, which will remain in the NRC's regulations (including the required lifetime dose determination), in situations that involve a need to exceed the annual lens dose limit. Finally, the requirement to implement a graded approach to dose management would also apply to the management of the doses received during planned occupational dose limit extensions such that unnecessary occupational exposure would be avoided and radiation protection practices would be employed commensurate with the risks involved.

Public Dose Limits

The NRC is not proposing to change its current public dose limit, which is 100 mrem per year. The NRC considered several recommendations to change the public dose limit. As described previously, the 2015 PRMs requested an increase in the public dose limit based, in part, on the assertion that radiation exposure is beneficial. Additionally, the Idaho National Laboratory—a U.S. National Laboratory dedicated to energy research and development—recently suggested in a public report (''Reevaluation of Radiation Protection Standards for Workers and the Public Based on Current Scientific Evidence,'' INL/RPT–25–85463, Revision 0, July 2025) that the public dose limit be raised, in part, to increase public acceptance of radiation exposure.

The NRC regulates the civilian use of radioactive materials in a manner that provides reasonable assurance of adequate protection of the public health and safety. Although the current public dose limit is sufficient to provide reasonable assurance of adequate protection of the public health and safety, the NRC understands that it is a generic limit and, thus, may be overly conservative in certain, specific circumstances. The NRC also recognizes that a number of factors may weigh in favor of allowing a higher public dose limit on a case-by-case basis when such conservatisms are specifically identified and accounted for, including why such an allowance would remain protective of the public health and safety. As discussed previously, in response to E.O. 14300 section 5(b), the NRC reexamined its approach to radiation protection and recognizes that there are inherent limitations in the LNT model, particularly at low doses, that could be better addressed in the NRC's rules. One example is the decision in the NRC's 1991 rulemaking to disallow exceptions to the public dose limit for new applicants. Upon reexamination, such a limitation is not needed for reasonable assurance of adequate protection of public health and safety and is also inconsistent with the principles of the E.O.s discussed in this document concerning enabling the use of nuclear power, particularly in light of the declared energy emergency in E.O. 14156. Taken together, these factors weigh in favor of the NRC reconsidering whether exceptions to the generic public dose limit of 100 mrem per year may be allowed. Therefore, although it is not proposing to change its current public dose limit or define specific exceptions to that limit, the NRC is proposing revisions to the regulations in § 20.1301 that would allow a licensee or an applicant to request alternative public dose limits on a sufficiently supported, case-by-case basis.

First, in § 20.1301(b), the NRC is proposing a path to enable a licensee or applicant to request prior NRC authorization for a public dose limit in excess of 100 mrem per year for members of the public who have access to controlled areas. Such requests may be on a generic basis (*e.g.,* for a design). A controlled area, as defined in § 20.1003, is an area, outside of a restricted area but inside the site boundary, to which access can be limited by the licensee for any reason. The NRC's current regulations extend the public dose limit to all areas within the site boundary. However, this approach may be excessively restrictive if dose is appropriately managed in the controlled areas. This is because members of the public do not maintain a lifetime of continuous occupancy in spaces within the controlled area boundary of licensed facilities. Instead, members of the public typically access these spaces on a temporary basis for such non-occupational-exposure purposes as tours, awaiting for or accompanying those receiving medical treatments, or work activities separate from those of the facility like making deliveries to/from the facility. Further, it is reasonable to assume that the majority of these individuals will be adults and that the time of exposure of any children will be small when compared to the lifetime of exposure that is considered when determining acceptable risks for stochastic health effects.

Therefore, the NRC is proposing to amend its regulations to provide that, as long as a licensee or applicant establishes appropriate dose management measures (*e.g.,* signage, information briefings and area monitoring to ensure compliance with the proposed higher annual dose limit), a higher public dose limit within the controlled area may be approved on a case-by-case basis. The NRC's case-by-case review would consider such things as the likely cumulative exposure of a member of the public under the proposed new dose limit given the time that the member of the public is expected to be within the controlled area and the effectiveness of the proposed dose management measures.

Second, in § 20.1301(d), the NRC is proposing to remove references to ALARA, to remove the upper limit on the annual dose limit for a member of the public that may be requested (which is currently set at 500 mrem per year), and to specify the information that is required in an application by a licensee or applicant for prior NRC authorization, on a case-by-case basis, for a public dose limit in excess of 100 mrem per year. The regulation at § 20.1301(d) was originally intended to provide a process for facilities existing at the time of the regulatory changes implemented in 1991 that found it difficult to meet the then newly enacted public dose limit of 100 mrem per year (see 56 FR 23360). However, the NRC now proposes to clarify that any licensee or applicant can apply for a higher public dose limit by providing the information required by the regulation, which the NRC will review on a case-by-case basis. Specifically, such an application must: (1) demonstrate the need for and the expected duration of operations in excess of the public dose limit; (2) describe the licensee's program to assess and control dose within the proposed higher limit; and (3) provide a supporting basis for the proposed higher limit, including why it remains protective of the public health and safety. Such a request for a higher public dose limit for the unrestricted area would require a more detailed analysis than a request for a higher public dose limit for the controlled area because of the lack of control that a licensee can exert over the unrestricted area and the presumably larger population that could potentially be subject to the proposed higher doses. Because of the statistical nature of stochastic health effects, the larger the population that receives a given dose, the larger the potential health impact. Therefore, it is likely that the NRC would generally reserve approvals for higher public dose limits that are limited in duration and/or demonstrated to have limited population impacts.

In their applications, in order to demonstrate that the requested higher public dose limit remains protective of the public health and safety, licensees and applicants could apply the critical

group or representative person concepts described in ICRP Publication 101, and earlier ICRP references, to perform prospective dose assessments. Determinate or probabilistic assessments, or a combination of both, could be used to support the request. Habit data and physiological characteristics should be representative of the affected population and not overly conservative in terms of assumptions. Additionally, licensees and applicants may consider the use of dose constraints, additional environmental monitoring, and land use censuses as part of their programs to assess and control dose within the proposed higher dose limits.

In addition to the proposed changes to allow requests for NRC authorization, on a case-by-case basis, for higher public dose limits in the controlled area and in the unrestricted area, the NRC is proposing two other changes to the requirements at § 20.1301: (1) changes to the limits that apply to caregivers of patients who cannot be released, and (2) deletion of the short-term dose rate limit for external sources in the unrestricted area.

First, the NRC is proposing to allow higher doses to members of the public who visit and/or care for medical patients who cannot be released under the provisions of § 35.75. Limits that apply to patient release are contained in 10 CFR part 35. The NRC has long permitted a member of the public to receive up to 500 mrem at the Authorized User's (AU) discretion under § 20.1301(c). Additionally, the NRC has approved several exemptions to this regulation as described in Regulatory Issue Summary (RIS) 2006–18, ''Requesting Exemption from the Public Dose Limits for Certain Caregivers of Hospital Patients.'' These exemptions allowed a caregiver to receive up to 2 rem, by default, with the flexibility to increase that amount if it was too low for a particular case. Similar to these previously issued exemptions, the NRC proposes to revise § 20.1301(c) to include a 2-rem limit for a caregiver and a 500-mrem limit for a non-caregiver member of the public per administration regimen. These limits are independent of the patient release regulations in 10 CFR 35.75, and doses accrued by caregivers or non-caregiver members of the public from exposure to a patient prior to release do not contribute to the patient's release evaluation. The guidance in RIS 2006–18 and the exemption process remain available to licensees should they desire to pursue authorization, on a case-by-case basis, to exceed the proposed new 2-rem limit for caregivers.

Amending the regulations to allow caregivers to receive up to 2 rem without a licensee requesting and having approved an exemption increases licensee flexibility, reduces regulatory cost and burden, and enables licensees to provide more timely care to patients while maintaining the public health and safety. The justification for the higher limit to the caregiver (*i.e.,* 2 rem instead of 100 mrem) is that it is beneficial, or possibly essential, to the wellbeing of the patient for caregivers to have access to the patient and may, therefore, be considered an element of the patient's medical treatment. Caregivers are usually members of the patient's family or someone close to the family or the patient. Caregivers receive no financial compensation for the comfort or support that they provide a patient and knowingly consent to being exposed above the public dose limit.

Additionally, the higher dose limit is temporary and would not significantly impact the caregiver's lifetime fatal cancer risk. Similarly, the justification for the higher limit to the non-caregiver (*i.e.,* 500 mrem instead of 100 mrem) is that the higher dose limit is temporary and would not significantly impact the individual's lifetime fatal cancer risk. A non-caregiver being exposed in a situation relevant to § 20.1301(c) is likely also a family member or a friend of the patient, thus their access to the patient provides relief during medical treatment. In ICRP Publication 60—which provided the ICRP's first set of comprehensive recommendations after the recommended public dose limit was changed to its current value—the ICRP stated in paragraph 192 that, ''Since the detriment is a function of the accumulation of dose over many years, it would be unduly restrictive to require the controls to be related rigidly to annual dose limits. Some flexibility in the limits is desirable.'' Accordingly, with this proposed rulemaking the NRC is proposing to exercise this flexibility as it relates to patient care.

Second, the NRC is proposing to delete the short-term dose rate limit in the unrestricted area of 0.002 rem in any hour in § 20.1301(b) because it serves no safety purpose that is not already achieved by the public dose limit of 100 mrem per year. This is because a member of the public could receive the full 100 mrem annual public dose instantaneously and this fact in and of itself would have minimal safety impact. The actual concern in such a hypothetical case would be that a source that could provide such a high dose rate would most assuredly result in an exceedance of the annual public dose limit in a short period of time and it is that exceedance that would require appropriate corrective actions and not the exceedance of any rate limit in receiving the dose. Licensees can voluntarily include short-term dose rate limits within their radiation protection programs for the purposes of dose management or to facilitate investigations of abnormal conditions; however, these are not necessary in addition to the annual public dose limit for the protection of the public health and safety. Therefore, the NRC is proposing to delete § 20.1301(a)(2) and the provision in § 20.1302(b)(2)(ii) that references 2 mrem in an hour.

License Termination Criteria

The NRC is proposing to revise the license termination criteria in 10 CFR part 20 subpart E to make conforming changes based on the discontinuation of the use of ALARA terminology in the NRC's regulations and guidance. Specifically, the NRC is removing the terms ''as low as reasonably achievable'' and ''ALARA'' from subpart E and replacing them, as appropriate. As explained previously in this document, the NRC's regulations and guidance would continue to use justification and optimization analyses to satisfy the original intent of the ALARA principle of, in this instance, reducing residual radioactivity to levels where further reductions would not be justified for both unrestricted and restricted use. The NRC intends for licensees to continue providing a combination of qualitative and quantitative analyses consistent with the guidance in NUREG–1757, volume 2, appendix N to satisfy the requirement to justify such reductions in residual radioactivity.

Additionally, the NRC is proposing to include a reference to § 20.1406(c) to its radiological criteria for unrestricted use at § 20.1402 to emphasize that the reduction in residual radioactivity may be justified by actions already taken by the licensee to minimize contamination. For example, licensees may be able to take credit for performing dismantlement and remediation activities in a way that minimizes the introduction of contamination to the environment in the analysis to demonstrate that further reductions are not justified. The NRC's proposed reference to this requirement would provide additional flexibility in the justification analysis required to comply with the proposed radiological criteria for unrestricted and restricted use.

With respect to restricted use, under § 20.1403 and § 20.1404, the NRC is proposing to increase clarity for licensees to demonstrate compliance with the proposed requirement that

further reductions in residual radioactivity necessary to comply with the provisions of § 20.1402 would not be justified. Currently, licensees must demonstrate that such reductions either would result in net public, or environmental harm or are consistent with ALARA. The NRC is proposing to introduce significantly more clarity by updating the requirement to include an explicit option to provide a cost-benefit analysis.

Finally, the NRC is making the language in 10 CFR part 20 subpart E consistent by using the broader term ''traffic accidents'' throughout instead of sometimes using the narrower term ''deaths from transportation accidents.'' The term ''traffic accidents'' encompasses the term ''deaths from transportation accidents.''

Respiratory Protection

The NRC is proposing to make changes to its respiratory protection regulations to enable more efficient authorizations of respiratory equipment and their use. Currently, licensees are required to obtain individual authorization from the NRC in order to: (1) use respiratory equipment that has not been authorized by the National Institute for Occupational Safety and Health (NIOSH), and (2) use assigned protection factors (APFs) in excess of those specified in 10 CFR part 20. Through this rulemaking, a licensee would be allowed instead to reference approvals that the NRC has already issued to other licensees to use non-NIOSH certified equipment and/or to exceed the APFs in 10 CFR part 20; provided that the conditions in the safety evaluations used by the NRC to justify such approvals are applicable to that licensee. Effectively, this would mean that the NRC would only have to review and approve the use of new equipment or APFs once, and subsequent licensees could avail themselves of those approvals to the extent that they apply in their cases. This change would facilitate the use of modern equipment while minimizing risk and administrative burden because regulatory experience has shown that these reviews have not significantly differed once a precedent is established. In cases where the conditions of prior approvals would not apply or where licensee use of the equipment would not be within the scope of what the NRC considered in its safety evaluation, the licensee would have to individually apply for authorization as the regulations currently require.

Doses Received by a Member of the Public Due to Byproduct Material Administered for Medical Purposes

The NRC is proposing changes to 10 CFR part 35 regarding the release of patients who have been administered byproduct material. The first proposed change would add to 10 CFR 35.2 the definitions of ''caregiver'' and ''administration regimen.'' The proposed definition of ''caregiver'' is an adult who provides the patient with support or comfort for non-commercial gains following administration of byproduct material. The proposed definition of ''administration regimen'' is the course of administrations of a given radiopharmaceutical or brachytherapy source as intended by the authorized user. The second proposed change would amend 10 CFR 35.75 to add a provision to allow a consenting caregiver, who has been educated on the risks of radiation exposure, to receive up to 5 rem (*i.e.,* the occupation dose limit of 10 CFR 20.1201) per patient administration regimen. The dose limit to the general public would remain at 0.5 rem; however, the rule would be revised to specify that this limit is per administration regimen instead of per release. The third proposed change would amend 10 CFR 35.2075 to remove the requirement to keep records of dose evaluations for individual releases that meet certain criteria. Instead, the proposed change would require licensees to develop, implement, and maintain a written procedure for ensuring that a member of the public is not likely to exceed the established limits. The licensee would be required to retain this procedure for the duration of the license. Additionally, the proposed change would remove the requirement to document each instance where instructions are given to a breastfeeding patient.

In 2002, the NRC adopted the current dose-based criteria used in 10 CFR 35.75. At that time, the patient release framework was developed to address brachytherapy implants and single administration therapies (*e.g.,* I–131 therapy for conditions of the thyroid). Also at that time, other applications of byproduct material use in medicine did not involve quantities that would warrant concern regarding the release of patients. The medical landscape has evolved substantially since the current 10 CFR 35.75 was put in place. Namely, radiopharmaceuticals are increasingly being administered over a series of administrations as a matter of protocol, instead of all at once. With the proposed changes to 10 CFR 35.75, the NRC intends to adapt its patient release framework to better address the evolving use of byproduct material in medicine. While the limit for dose received by an individual member of the public is 0.5 rem per patient administration regimen, the NRC is proposing to introduce flexibility through the identification of a caregiver, who is eligible to receive up to the occupational dose limit (*i.e.,* 5 rem) per patient administration regimen. Individuals identified as caregivers (*e.g.,* spouses, parents) are likely to receive the most dose as a result of a given patient release due to high duration or close contact activities, such as co-sleeping. Other members of the public are unlikely to receive a dose on the same order of magnitude as these potential caregivers. This is reflected in DG–8061 (the proposed revision 2 to Regulatory Guide (RG) 8.39) by using an assumed occupancy factor of 0.25 at 1 meter for a general member of the public (also referred to as a bystander) and an assumed occupancy factor of 1 at 1 meter for a caregiver in the tables provided. RG 8.39 contains additional information regarding patient-specific calculations for added flexibility, including lower occupancies for both caregivers and other members of the public.

The NRC is also proposing to change the recordkeeping requirements for patient release outlined in 10 CFR 35.2075 to better align with common practice. Most patients are likely to fall into certain categories that a licensee has previously determined to be compliant with release in accordance with 10 CFR 35.75. It is unnecessarily burdensome for licensees to retain the bases of release for individual patients who are released in such a way. As such, the NRC is proposing to instead require licensees to develop, implement, and maintain a written procedure for releasing patients in accordance with 10 CFR 35.75. The NRC is also proposing to remove the requirement to individually document when a breastfeeding patient has been given instructions following administration of byproduct material. The procedures required by the proposed 10 CFR 35.75 should detail the process for ensuring compliance for all patients who have been administered byproduct material, including situations where licensees provide instructions to patients who are breastfeeding. This change is intended to alleviate the burden associated with prescriptive recordkeeping requirements and to instead focus on the need to maintain a robust patient release program that enables the treatment of

patients while protecting members of the public.

For patients who cannot be released under 10 CFR 35.75, the NRC is proposing to amend 10 CFR 20.1301 to incorporate into that rule flexibilities introduced in RIS 2006–18. The proposed changes to 10 CFR 20.1301(c) would permit licensees, without having to apply for an exemption, to allow a caregiver, newly defined in the proposed changes to 10 CFR part 35, to receive up to 2 rem while providing care to a patient who cannot be released under 10 CFR 35.75. Any receipt of dose in excess of 2 rem would still require an application for an exemption and case-by-case prior approval by the NRC.

In 2002, the NRC amended 10 CFR part 20 to allow some visitors of patients who cannot be released under 10 CFR 35.75 to receive up to 500 mrem. At that time, the NRC acknowledged that, because visitors are often family members or close friends of patients, there is a substantial benefit that outweighs the risk of additional exposure. However, as the medical use of byproduct material has changed, it has come to the NRC's attention that a limit of 500 mrem is insufficient and overly cautious for some situations. While RIS 2006–18 does not set a maximum dose for which a licensee may apply for an exemption, 2 rem is the established initial dose limit for the outlined exemption. The NRC has already deemed a limit of 2 rem adequately protective for situations where a caregiver is necessary while a patient is hospitalized, provided that the licensee justifies the use of the exemption. The proposed rule would therefore eliminate the need for licensees to apply for an exemption for caregiver doses up to 2 rem. For caregiver doses in excess of 2 rem, licensees may still refer to RIS 2006–18. Note that caregiver doses received prior to the patient's release do not contribute to the 5 rem allowed by 10 CFR 35.75 following release. Finally, the proposed update to 10 CFR 20.2107 would require licensees to retain a record of the justification for a caregiver's dose for three years following the exposure.

Industrial Radiography

The NRC is proposing to remove from 10 CFR part 34 the definition of the term ''ALARA'' in § 34.3 and the prescriptive list of the radiation safety officer (RSO) responsibilities in § 34.42(c), which includes the term ''ALARA.'' Removing this term is consistent with the other changes being made as part of this rulemaking and removing the RSO responsibilities is consistent with other similar descriptions of requirements for RSOs. Licensees would continue to be able to look to guidance in NUREG–1556, volume 2, for more detailed information regarding the responsibilities of an RSO for industrial radiography.

Uniform Waste Manifest Forms

The NRC is also proposing changes to 10 CFR part 20 appendix G to provide additional clarity and flexibility on how the information requested on the Uniform Waste Manifest forms (NRC Forms 540 and 540A, 541 and 541A, and 542 and 542A) could be provided. The proposed changes would clarify that the Manifest does not need to include these NRC forms themselves as long as the Manifest reflects the information requested on the applicable NRC forms. Other proposed changes would remove language specifying when NRC Form 540 must physically accompany a shipment and would instead reference Department of Transportation (DOT) regulations. This change would ensure that the NRC's regulations are consistent with the DOT's regulations, including potential future changes to the DOT's regulations. The remaining proposed changes would add clarity and correct minor grammatical errors.

Clarifying Changes to Appendix A to 10 CFR Part 40

The NRC is proposing a change to the introduction section of Appendix A to 10 CFR part 40. The purpose of this change would be to clarify that the use of the phrase ''as low as is reasonably achievable'' in Appendix A has the same meaning as in EPA's generally applicable standards in 40 CFR part 192, which is different than how NRC has traditionally used ALARA. In this context, the use of the phrase ''as low as reasonably achievable'' is focused on the technical practicability of corrective actions. The remaining proposed changes to Appendix A are consistent with the proposed changes to 10 CFR part 20 in that they would require licensees to manage dose within the applicable limits and would require that practicable dose reduction measures be taken. The proposed changes would remove any language that implies that further dose reduction is required. In this context, the phrase ''as low as reasonably achievable'' will remain in Appendix A, Criterion 5B(6) to conform to EPA's generally applicable standards in 40 CFR part 192.

Conforming Changes to 10 CFR Parts 50, 61, 71, and 72

This proposed rule would also include additional conforming changes to align with the removal of references to ALARA. This includes the removal of a reference to ALARA in 10 CFR 50.66 and in 10 CFR 71.78. Additionally, removals of references to ALARA are proposed in 10 CFR part 72, specifically in §§ 72.3, 72.24, 72.44, 72.104, and 72.126. The changes proposed to § 72.44(d)(3) are conforming changes to align with the proposed changes to effluent reporting requirements in 10 CFR 50.34a, which are discussed in the previous section entitled ''Effluents.''

Finally, the NRC is proposing to revise the public dose limits in 10 CFR part 61 to make conforming changes based on the discontinuation of the use of ALARA terminology in the NRC's regulations and guidance. Specifically, the NRC is proposing to remove the terms ''as low as reasonably achievable'' and ''ALARA'' from subpart C, ''Performance Objectives.''

Conforming Changes to 10 CFR Part 53

The changes proposed in this rulemaking necessitate conforming changes to the recently issued 10 CFR part 53. In general, these changes serve two purposes. First, they acknowledge that licensees may potentially use dosimetry systems that provide results in terms of total effective dose, as opposed to total effective dose equivalent. Second, they provide the additional flexibility that is being included in the proposed changes to the NRC's overall radiation protection regulatory framework based on the agency's reconsideration of its use of the LNT model and its application of the ALARA principle.

The regulations at § 53.210, § 53.425, and § 53.530 are proposed to be revised to add reference to total effective dose to the units for dose-based criteria. Additionally, footnote 1 to § 53.210 is proposed to be revised to delete ''TEDE'' as the designation of the type of effective dose is not central to the purpose of the footnote, rather the magnitude of the dose is. The requirements at § 53.850 are proposed to be revised to change ''limiting'' to ''controlling'' to be consistent with the intent of effluent monitoring and control measures. Additionally, § 53.850(b)(2) is proposed to be revised to remove reference to the ''Annual Radiological Environmental Operating and Radioactive Effluent Release Reports,'' in lieu of a more generalized requirement for an effluent program to retain records and develop reporting criteria. This change conforms to changes being proposed in this rulemaking for radiological effluent monitoring and control through revisions to § 50.34a, § 50.36a, and

Appendix I to 10 CFR part 50. Lastly, § 53.1645(a) is proposed to be revised to add a process that conforms to the framework being proposed in this rulemaking for the monitoring and control of radiological effluents.

Updates to Design Basis Accident Dose-Based Acceptance Criteria

The NRC has historically used dose-based acceptance criteria when evaluating certain aspects of licensee safety assessments associated with applications for new reactors (*e.g.,* § 50.34(a)(1)). Some of these safety assessments end up forming part of the current licensing basis of the facility after the NRC issues its license. Specifically, some of the accidents that are analyzed in these safety assessments are used to set the design basis of plant equipment to ensure public health and safety. These accidents are known as ''design basis accidents.'' Once incorporated into the current licensing basis, the assumptions, methodology, and equipment (including structures, systems, and components) are controlled as required by licensing-related regulations (*e.g.,* § 50.90, § 50.59). The NRC has established dose-based acceptance criteria that recognize that certain design basis accidents have a higher assumed frequency of occurrence than others. To maintain the balance provided by the risk triplet—whereby changes in likelihood of occurrence of an accident may be offset by changes in consequences in order to control the risk of an event—the NRC has historically assigned a lower dose-based criteria value (*i.e.,* lower consequence) for accidents that are more likely to occur. In NRC guidance documents (*e.g.,* Branch Technical Positions and the Standard Review Plan in NUREG–0800) this approach is evidenced through the use of ''well within,'' or ''a small fraction of'' terminology in reference to fractions of the dose-based acceptance criteria used to evaluate the consequences of the maximum hypothetical accident described in Footnote 3 of § 50.34.

Historically, the NRC has interpreted the term ''well within'' to mean 25 percent of the dose resulting from a maximum hypothetical accident (or 6.3 rem) and the term ''small fraction of'' to mean 10 percent of the dose resulting from a maximum hypothetical accident (or 2.5 rem). This approach is implemented in Table 7 in RG 1.183, Revision 1, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' dated October 2023 (ML23082A305), but the practice can be observed in other guidance, such as Branch Technical Positions and the Standard Review Plan in NUREG–0800.

With this rulemaking, the NRC is proposing to adopt a single, dose-based acceptance criterion of 10 rem TEDE for design basis accidents that currently use criteria derived from fractions of the maximum hypothetical accident criterion of 25 rem TEDE. With this change the NRC will stop using the ''well within'' and ''small fraction of'' qualitative designations and their corresponding numerical values and instead use 10 rem TEDE. This new, dose-based acceptance criterion would apply at locations that are evaluated for radiological consequences (*i.e.,* exclusion area boundary and low population zone). Regulatory experience indicates that significant applicant, licensee, and NRC staff resources are expended in evaluating the results of these analyses, to include assumptions and plant configurations that support conclusions that the dose criteria are met. Additionally, licensees may encounter situations where equipment that has been determined as being necessary to satisfy the existing dose-based criteria becomes inoperable, sometimes necessitating emergent licensing actions to continue plant operations. These outcomes are not consistent with the safety significance of conservatively calculated doses on the order of 2.5 rem and 6.3 rem resulting from analyses of postulated events that have a very low probability of occurrence. This regulatory experience, combined with the knowledge that deterministic health effects do not occur below 10 rem and that there is a reasonably likelihood that stochastic health effects below 10 rem have been overestimated, supports this proposal.

To implement this proposal, the NRC would revise Table 7 in RG 1.183. This guidance would be issued subsequent to this rulemaking as part of the NRC's planned two-phased approach to issuing guidance associated with this rulemaking, see Section VI, ''Availability of Guidance,'' for more information. Additional guidance documents identified by the NRC will be updated on a timeline separate from the rulemaking schedule.

V. Specific Requests for Comments

The NRC is seeking advice and recommendations from the public on the proposed rule. The NRC is particularly interested in comments and supporting rationale from the public on the following:

Question 1: The NRC is seeking input from the public on the proposed rule. The NRC is interested in comments and supporting rationale from the public regarding the implementation of proposed 10 CFR 20.1301(b), which would allow licensees and applicants to request higher dose limits for members of the public who access the controlled area, as defined in 10 CFR part 20. As explained in the proposed rule, the NRC would review these requests on a case-by-case basis and would provide individual approvals if the NRC determined that there was reasonable assurance of adequate protection of public health and safety.

(A) As it pertains to the proposed process of case-by-case reviews of requests for higher annual dose limits to members of the public who access the controlled area,

i. Would a performance-based method be an acceptable means of justifying such requests? For example, a performance-based method could rely on an integrated analysis of relevant factors (*e.g.,* radiological hazards, occupancy, and access conditions) to demonstrate that members of the public are unlikely to receive doses exceeding the annual public dose limit in 10 CFR 20.1301(a).

ii. Under an applicant driven, case-by-case analysis, how should NRC evaluate applicant requested justifications?

iii. What factors should the NRC consider in evaluating these requests (*e.g.,* health risks, duration of entry, proximity to population centers, demographics, accessibility to the controlled area, national security, energy reliability, undue hardship, cost considerations), and how should these factors be prioritized?

iv. Similar to other protective measures (*i.e.,* such as postings for high voltages at electrical substations), what measures would be appropriate to provide notice and protection to members of the public in such cases including any special subgroups such as transient workers, minors, pregnant or breast feeding women, etc.?

(B) Alternatively, or in addition to the previously discussed case-by-case review and approval process, should the NRC increase the annual public dose limit of 10 CFR 20.1301(a) within the controlled area?

i. What dose management measures would be appropriate in such cases?

ii. Additionally, would it be sufficient for these dose management actions to be implemented through a licensee's radiation protection program, which is required by 10 CFR 20.1101, and verified through NRC inspection?

iii. Finally, under such an option, what should the annual dose limit be for members of the public who access the controlled area under these circumstances?

Question 2: What are the expected benefits (*e.g.,* simplified design/construction, costs, operational efficiency) and drawbacks (*e.g.,* additional dose management and controls, periodic monitoring of population, stronger access controls) of allowing higher annual dose limits to members of the public who access the controlled area and, in limited circumstances, outside the site boundary? What specific use cases are expected to leverage these flexibilities and what operational or design benefits are anticipated for these use cases if the flexibilities are adopted? Please provide quantitative information and description of use cases to the extent possible; however, qualitative assessments would be useful, as well.

Question 3: The NRC requests comments and supporting rationale on proposed 10 CFR 20.1301(d), which would allow licensees and applicants to request, on a case-by-case basis, higher public dose limits than those in 10 CFR 20.1301(a) when there is reasonable assurance of adequate protection of public health and safety.

(A) What factors should the NRC consider when evaluating these requests (*e.g.,* dose control measures, health risks, proximity to population centers, demographics, land ownership, national security, energy reliability, cost considerations), and how should these factors be prioritized?

(B) Are there scientific considerations the NRC should take into account when reviewing requests for increased dose limits on a case-by-case basis? Quantitative or qualitative information is useful.

(C) Based on practical use cases and consistent with the NRC's intent for the flexibility in 10 CFR 20.1301(d), as described in the preamble, the NRC seeks input on the advantages and disadvantages of public dose limit flexibility allowed through 10 CFR 20.1301(d) and potential qualitative or quantitative limits on flexibility in guidance or regulatory text that the NRC should consider. Are there any practical use cases that would be challenged by a limitation on the flexibility allowed in 10 CFR 20.1301(d)?

Question 4: The NRC proposes to introduce the concept of the caregiver in the patient visit and release-related regulations in parts 20 and 35, respectively. This will enable people who are essential to the care and well-being of patients receiving radiopharmaceutical treatments to willingly receive higher doses than members of the general public, if needed. As part of this regulatory change, while the NRC is maintaining the dose limit to members of the public from patient release at 500 mrem, the NRC proposes to revise the basis for calculating doses to members of the public from per-administration to per-regimen. What are the advantages and disadvantages of using a per-regimen basis for patient release determinations? Would this approach create any barriers to treatment access? Alternatively, should the NRC retain a per-administration basis for members of the public but apply a per-regimen basis for caregivers? Please provide quantitative information to the extent possible; however, qualitative assessments would be useful, as well.

Question 5: The NRC proposes to increase its radionuclide emissions standards from the current regulatory constraint in 10 CFR 20.1101(d) of 10 mrem per year to 25 mrem per year; this change would also be extended to the criteria in 10 CFR part 50, Appendix I. If a licensee releases effluents greater than or equal to the 25 mrem per year constraint, that licensee would be required to submit relevant reports to the NRC on an annual basis until levels are returned to below the 25 mrem per year constraint. Additionally, such a licensee would be required to evaluate and consider implementing cost-justified corrective actions to restore effluent levels to below the 25 mrem per year constraint. The NRC is seeking input from the public on the following related to the proposed changes to effluent constraints and reporting requirements:

Are there alternative approaches the NRC should consider, such as increasing the constraint while retaining existing reporting practices? What are the potential advantages or disadvantages of these alternative approaches?

Question 6: If the public dose limit in 10 CFR 20.1301(a) were increased, what level would be appropriate and why? What would be the advantages and disadvantages of such a change? Please provide the technical basis for your response, including quantitative or qualitative information supporting that basis.

VI. Availability of Guidance

The NRC is issuing draft guidance for implementation of the proposed requirements in this rulemaking in two phases. Three guidance documents will be issued for public comment at the same time as this notice. Additional guidance documents will be issued for public comment following the publication of the proposed rule. The draft guidance documents issued for comment concurrently with this proposed rule are available in ADAMS as described in the ''Availability of Documents'' section. When finalized, the documents will provide stakeholders with guidance for implementing the final requirements contemplated by this proposed rule. You may submit comments on the draft regulatory guidance by the methods outlined in the **ADDRESSES** section of this document. Additional guidance documents identified by the NRC will be updated on a timeline separate from the rulemaking schedule.

VII. National Environmental Policy Act

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' that this proposed rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and an environmental impact statement is not required. The bases for this determination are documented in the draft environmental assessment, listed under the ''Availability of Documents'' section and incorporated by reference in this proposed rule. As explained in the draft environmental assessment, the implementation of the proposed rule described in this **Federal Register** notice would not have a significant environmental impact. Public comments on the draft environmental assessment may be submitted to the NRC as indicated under the **ADDRESSES** section of this document.

VIII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, in accordance with section 605(b), the NRC is not preparing a regulatory flexibility certification analysis. The rule will in fact apply to the many small entities that are among the NRC licensees, applicants, and petitioners for rulemaking, but it will impose no new burden on those small entities. To the contrary, as noted in the regulatory analysis section of this notice, the agency's expectation is that the rule will reduce burden.

IX. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed rule. The analysis examines the costs

and benefits of the alternatives considered by the NRC. The NRC requests public comment on the draft regulatory analysis. The draft regulatory analysis is available as indicated in the ''Availability of Documents'' section of this document. Comments on the draft regulatory analysis may be submitted to the NRC as indicated under the **ADDRESSES** section of this document.

X. Backfitting and Issue Finality

The NRC has determined that the backfitting provisions in 10 CFR parts 50, 53, 70, 72, and 76 and the issue finality provisions in 10 CFR part 52 are not implicated by this proposed rule. While the proposed changes would predominantly affect regulations in 10 CFR part 20 and would thus impact all categories of NRC licensees, including those entities within the scope of backfitting or issue finality provisions, none of the proposed revisions in this rulemaking would constitute backfitting or affect issue finality. Each proposed amendment in this rulemaking is either in the form of a voluntary relaxation or the addition of an alternative option for compliance with applicable NRC regulations. For example, while the NRC is proposing to discontinue the use of ALARA terminology in its regulations and guidance and introduce a graded approach to dose management in its place, a licensee would not be required to modify or add to its operating procedures because compliance with regulations implementing the current ALARA terminology would also be sufficient to satisfy the revised regulations implementing the graded approach to dose management. Therefore, because the NRC would not be imposing new or revised requirements on an applicable entity, the NRC has determined that the proposed revisions would not constitute backfitting as defined in 10 CFR parts 50, 53, 70, 72, and 76 or affect the issue finality of an existing approval issued under 10 CFR part 52.

XI. Cumulative Effects of Regulation

The NRC seeks to minimize potential negative consequences resulting from the cumulative effects of regulation (CER). The NRC believes that the deregulatory impacts of this rulemaking activity are unlikely to cause implementation challenges for stakeholders. In addition, during the pendency of this rulemaking, the NRC is deprioritizing issuance of regulatory actions that might influence the implementation date for the new rule requirements (*e.g.,* orders, generic communications, license amendment requests, and inspection findings of a generic nature).

To fully understand any potential CER implications that could result from this rulemaking, the NRC is asking the following questions. Response to these questions is voluntary and any input will be considered during development of the final rule.

1. The NRC is proposing an effective date that will be 30 days after the date of publication of a final rule. Does this provide sufficient time to implement the proposed requirements? Please provide a rationale for your response.

2. Are there unintended consequences related to this rulemaking and how should they be addressed? Please provide a rationale for your response.

XII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

XIII. Paperwork Reduction Act

This proposed rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed rule has been submitted to the Office of Management and Budget for review and approval of the information collections. The proposed changes to 10 CFR parts 19, 40, 61, and 71 do not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995.

Type of submission, new or revision: New.

The title of the information collection: Reforming and Modernizing the NRC's Radiation Protection Framework.

The form number if applicable: None.

How often the collection is required or requested: Once, on occasion, annually. Under the proposed rule, information collections would be generally required on occasion, such as when certain applications are submitted to the NRC for review, and when exposures occur that require a report. Certain reports, such as ones specifying the quantity of principal radionuclides released, would be required at least once per year. Recordkeeping requirements would mandate that some records be retained for three to five years, while others are to be maintained for the duration of a license, depending on the specific regulation. Forms and other reports would be submitted at the time of specific events.

Who will be required or asked to respond: NRC licensees under parts 20, 34, 35, 50, 53, or 72.

An estimate of the number of annual responses:

10 CFR part 20: −45.0 (−162.0 reporting responses + 99.0 recordkeepers + 18.0 third-party disclosures)
10 CFR part 34: −594.0 (0.0 reporting responses + −594.0 recordkeepers + 0.0 third-party disclosures)
10 CFR part 35: 7,650.0 (0.0 reporting responses + 3,825.0 recordkeepers + 3,825.0 third-party disclosures)
10 CFR part 50: 300.0 (150.0 reporting responses + 150.0 recordkeepers + 0.0 third-party disclosures)
10 CFR part 53: 0.0 (0.0 reporting responses + 0.0 recordkeepers + 0.0 third-party disclosures)
10 CFR part 72: 170.0 (85.0 reporting responses + 85.0 recordkeepers + 0.0 third-party disclosures)

The estimated number of annual respondents:

10 CFR part 20: 99 Respondents
10 CFR part 34: 0 Respondents
10 CFR part 35: 3,825 Respondents
10 CFR part 50: 150 Respondents
10 CFR part 53: 0 Respondents
10 CFR part 72: 85 Respondents

An estimate of the total number of hours needed annually to comply with the information collection requirement or request:

10 CFR part 20:–2,070.0
10 CFR part 34:–33,264.0
10 CFR part 35:–1,963.5
10 CFR part 50: 0.0
10 CFR part 53: 0.0
10 CFR part 72: 0.0

*Abstract:*The NRC is proposing to amend its regulations that govern its standards for protection against radiation. The revisions reflect the agency's reconsideration of its use of the LNT model for assessing health effects from radiation exposure and its application of the ALARA principle that is predicated on the LNT model. The proposed rule would reflect the NRC's experience and other developments in the field of radiation protection since the NRC's last major revisions to these standards in 1991.

The proposed rule covers diverse topics, which result in recordkeeping and reporting requirements related to instruction to workers, radiation protection requirements, industrial radiography, medical use of byproduct material, source material licensing, and storage and transportation of radioactive material.

In addition to the new information collections in the proposed regulations,

this proposed rule would result in amended requirements for NRC Forms 540/540A, 541/541A, and 542/542A. These forms are used on a nationwide basis to reflect the minimum safety-related information for a low-level radioactive waste shipment as required by Federal and State reporting requirements for the safe transportation and disposal of low-level radioactive waste. The rulemaking would not make any changes to the forms themselves. The rulemaking would make the use of the forms optional as long as respondents provide the same information as required in the forms using a different format.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility? Please explain your answer.

2. Is the estimate of the burden of the proposed information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? Please explain your answer.

4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the OMB clearance package and proposed rule are available in the ''Availability of Documents'' section of this document or may be viewed free of charge by contacting the NRC's Public Document Room reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* You may obtain information and comment submissions related to the OMB clearance package by searching on *https://www.regulations.gov* under Docket ID NRC–2025–1140.

You may submit comments on any aspect of this proposed information collection(s), including suggestions for reducing the burden and on the above issues, by the following method:

Federal rulemaking website: Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1140.

Submit comments by August 14, 2026.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XIV. Coordination With NRC Agreement States

On February 11, 2026, the NRC held a government-to-government meeting with the Agreement States regarding this rulemaking. On February 12, 2026, the rule was shared with the Standing Committee for Compatibility.

XV. Compatibility of Agreement State Regulations

On the basis of the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** (82 FR 48535, October 18, 2017), NRC program elements can be placed into six categories (A, B, C, D, NRC, or health and safety (H&S)) to form the basis for evaluating and classifying the program elements. Under the Agreement State Policy Statement, a program element means any component or function of a radiation control regulatory program, including regulations and other legally binding requirements imposed on regulated persons, which contributes to implementation of that program.

Compatibility Category A are those program elements that include basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. Compatibility Category A program elements adopted by an Agreement State should be essentially identical to those of the NRC to provide uniformity in the regulation of agreement material on a nationwide basis.

Compatibility Category B pertains to a limited number of program elements that cross jurisdictional boundaries and should be addressed to ensure uniformity of regulation on a nationwide basis. For Compatibility Category B, the Agreement State program element shall be essentially identical to that of NRC.

Compatibility Category C are those program elements that are important for an Agreement State to have in order to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. An Agreement State program shall embody the essential objectives of the Category C program elements. Under Category C, Agreement State program elements may be more restrictive than NRC program elements; however, they should not be so restrictive as to prohibit a practice authorized by the Atomic Energy Act of 1954 (AEA), as amended, and in the national interest without an adequate public health and safety or environmental basis related to radiation protection.

Compatibility Category D are those program elements that do not meet any of the criteria of Category A, B, or C, above, and are not required to be adopted by Agreement States for purposes of compatibility. An Agreement State has the flexibility to adopt and implement program elements within the State's jurisdiction that are not addressed by the NRC or that are not required for compatibility (*i.e.,* Compatibility Category D). However, such program elements of an Agreement State relating to agreement material shall (1) not create conflicts, duplications, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis; (2) not preclude a practice authorized by the AEA and in the national interest; and (3) not preclude the ability of the NRC to evaluate the effectiveness of Agreement State programs for agreement material with respect to protection of public health and safety.

Compatibility Category NRC are those program elements that address areas of regulation that cannot be relinquished to the Agreement States under the AEA, or provisions of 10 CFR. The NRC maintains regulatory authority over these program elements and the Agreement States must not adopt these NRC program elements. However, an Agreement State may inform its licensees of these NRC requirements through a mechanism under the State's administrative procedure laws, as long as the State adopts these provisions solely for the purposes of notification, and does not exercise any regulatory authority as a result.

Category H&S program elements embody the basic health and safety aspects of the NRC's program elements. Although H&S program elements are not required for purposes of compatibility, they do have particular health and safety significance. The Agreement State must adopt the essential objectives of such program elements to maintain an adequate program.

The proposed rule is a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements.

The NRC is proposing to assign Category A to following new definitions in 10 CFR part 20: Committed effective dose'', ''Committed equivalent dose'', ''Dosimetry method (or system)'', ''Effective dose'', ''Equivalent dose'', ''Graded approach to dose

management'', ''Planned occupational dose limit extension'', ''Radiation weighting factor'', and ''Total Effective Dose.'' These definitions are necessary to understand radiation protection concepts.

Next, the NRC is proposing to change the compatibility category of 10 CFR 20.1101(b) from Category H&S to Category A. The regulatory history of the rationale for the H&S designation is scant as 10 CFR 20.1101(b), originally issued as 10 CFR 20.1, did not address Agreement State compatibility and adequacy categories because it predated the Agreement State Policy Statement. As the NRC clarified Agreement State categories with the issuance and subsequent updates to the Agreement State Policy Statement, 10 CFR 20.1101(b) was assigned the H&S Category. 10 CFR 20.1101(b), at its heart, ensures that licensees operate their radiation protection program in a manner that ensures compliance with dose limits. The Agreement State Policy Statement provides that Category A, ''includes basic radiation protection standards that encompass dose limits, concentration, and release limits related to radiation protection in [10 CFR part 20], that are generally applicable.'' As such, the NRC is proposing to change the compatibility category of 10 CFR 20.1101(b) because it relates closely to radiation protection standards. Additionally, the proposed graded approach to dose management in revised 10 CFR 20.1101(b) is a critical piece of the overall regulatory framework that ensures that the dose limits in 10 CFR part 20 are not exceeded.

With this proposed change in compatibility category, Agreement States would be required to revise their equivalent 10 CFR 20.1101(b) regulation to be essentially identical to the NRC's and remove the ALARA requirement. Given this proposed required revision to the ALARA requirement, Agreement States would also remove ALARA references from their equivalent regulations to avoid conflicts, duplications, gaps, and to ensure an orderly pattern in the regulation of agreement material on a nationwide basis. However, the NRC is not proposing to change the compatibility or adequacy category of every regulation where references to ALARA should be removed. To assist states, the following is a non-exhaustive list of those regulations with references to ALARA where Agreement States would be required to either remove their equivalent regulation entirely (*e.g.,* the definition of ALARA), or remove the reference to ALARA in a regulation that is otherwise Category H&S, C, or D (*i.e.,* those regulations not already required to be essentially identical with the NRC):

1. Remove 20.1003, ALARA definition (previously Category A; this proposed rule would remove this definition entirely)
2. 20.1402 (previously Category C; note that the NRC is proposing to revise this designation for certain licensees)
3. 20.1403(a) (previously Category C; note that the NRC is proposing to revise this designation for certain licensees)
4 20.1403(e) (previously Category C; note that the NRC is proposing to revise this designation for certain licensees)
5. 20.1404(a)(3) (previously Category C; note that the NRC is proposing to revise this designation for certain licensees) 20.1601(f) (Category H&S)
6. 20.1702 (Category H&S)
7. 20.1704(a) (Category D)
8. 20.2002 (Category D)
9. 20.2105 (Category D)
10. 20.2203(a)(2)(vi) (Category C)
11. 20.2203(b)(iv) (Category C)
12. Remove 34.3, ALARA definition (previously Category A; this proposed rule would remove this definition entirely)
13. Remove 34.42(c) (previously Category D; this proposed rule would remove this definition entirely)
14. 35.75(b) (Category C)

The NRC is also proposing revisions to remove references to ALARA in 10 CFR 71.87(i), which is compatibility Category B. The NRC is not proposing to change the compatibility category for that regulation. Thus, Agreement States would be required to ensure that their equivalent regulations be essentially identical to the NRC's proposed revisions in 10 CFR 71.87(i) and, therefore, remove references to ALARA in said regulation.

The NRC recognizes that the removal of ALARA references is not as straightforward in 10 CFR part 20 subpart E (10 CFR 20.1402, 20.1403(a), 20.1403(e), 20.1404(a)(3), 20.1601(f)). The compatibility categories of these sections remain Category C except for certain licensees as noted in the Table below. The essential objective of 10 CFR part 20 subpart E still remains to provide a licensee with a pathway to terminate its license for unrestricted or restricted use. This rulemaking clarifies that the essential objective also includes that residual radioactivity be managed within the applicable limit and not be required to be managed significantly below that limit. Thus, while Agreement States would be required to remove references to ALARA in 10 CFR part 20 subpart E, and the other sections referenced above, to prevent a disorderly pattern of regulation nationwide, Agreement States have flexibility in revising their regulations to be consistent with the clarified essential objectives of 10 CFR part 20 subpart E. For ease and consistency, the NRC encourages Agreement States to follow NRC's model in revising 10 CFR part 20 subpart E.

The NRC is also proposing changing the compatibility category for 10 CFR 20.1101(d) from Category C to Category A. 10 CFR 20.1101(d) provides standards for air emissions of radioactive material to the environment, other than Radon-222, for licensees other than those subject to 10 CFR 50.34a (*i.e.,* power reactors). In 1996, the NRC issued this requirement to provide assurance to the U.S. Environmental Protection Agency (EPA) that future emissions from NRC licensees (other than power reactors, which were addressed separately) would not exceed dose levels that the EPA had determined would provide an ample margin of safety under Section 112(d)(9) of the Clean Air Act (CAA) (42 U.S.C. 7412(d)(9); 61 FR 65120, December 10, 1996). The 1996 rulemaking thus provided EPA a basis upon which to rescind its own CAA regulations for NRC licensed facilities and Agreement State licensees, thereby relieving these licensees from unnecessary dual regulation.

Notably, in the 1996 rulemaking, the **Federal Register** notice stated that the new 10 CFR 20.1101(d) codified ''numerical values for NRC's application of ALARA guidelines for radioactive air emissions from its licensees, other than power reactors.'' However, with this proposed rule, the NRC is replacing ALARA with a graded approach to dose management in revised 10 CFR 20.1101(b), which the NRC is proposing to assign a compatibility category A. This graded dose management approach consists of regulatory requirements and guidance that ensure that the applicable dose limit is not exceeded. In the proposed rule, the revised 20.1101(d) emissions standards would no longer be implemented by numerical criteria for the application of ALARA guidelines, but instead the emissions standards would be an integral part of the proposed graded approach to dose management in 10 CFR 20.1101(b).

While the CAA does not preclude a state from adopting more restrictive emissions standards for radionuclides, Agreement State programs must be adequate and compatible with the

NRC's program under the AEA. Per the Agreement State Policy Statement, compatibility category A includes those requirements such as ''basic radiation protection standards that encompass dose limits, concentration, and release limits related to radiation protection [10 CFR part 20].'' Given that the emissions standards in proposed 10 CFR 20.1101(d) serve an integral purpose in ensuring that the dose limits referred to in the revised 20.1101(b) are not exceeded and that the NRC is proposing to designate 10 CFR 20.1101(b) as Category A, 10 CFR 20.1101(d) would also be most appropriately categorized as Category A. Those portions of the provision that address areas reserved to the NRC, *e.g.,* 10 CFR part 50.34a and 10 CFR 53.260, are designated as a Compatibility Category NRC. A State should not adopt provisions that would confer regulatory authority to the State in an area of exclusive NRC jurisdiction pursuant to the Act, 10 CFR 8.4, 10 CFR part 150, and other Federal laws, regulations, or provisions.

As indicated above, the NRC is proposing to change the compatibility category of the license termination criteria in 10 CFR part 20 subpart E (10 CFR 20.1402, 20.1403(a), 20.1403(e), 20.1404(a)(3), 20.1601(f)) only for certain licensees. Specifically, the NRC is proposing to change the compatibility category of these regulations from Category C to Category B for licensees recovering source material from any mineral resources (includes rare earths and other critical minerals as defined in 90 FR 41591) that are processed primarily for purposes other than obtaining the source material content. Similarly, the NRC is proposing to change the compatibility category for the license termination criteria for the domestic milling of uranium in 10 CFR part 40, Appendix A for Criterion 5 and Criterion 6 from Category C to Category B. Under the Agreement State Policy Statement, Category B ''pertains to a limited number of program elements that cross jurisdictional boundaries and that should be addressed to ensure uniformity of regulation on a nationwide basis.'' In Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' the NRC defines ''cross jurisdictional'' with respect to Category B as ''a practice or licensed activity that necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of agreement material between all Agreement States and NRC jurisdictions.''

On January 29, 2025, the President issued E.O. 14156, ''Declaring a National Energy Emergency.'' That E.O. declares a national energy emergency and instructs heads of agencies to ''identify and exercise lawful emergency and other authorities available to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources.'' On that same day, the President also issued E.O 14154, ''Unleashing American Energy.'' That E.O sets forth several United States policies, including ''to protect the United States's economic and national security and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible in every State and territory of the Nation.'' Subsequently, on May 23, 2025, the President issued E.O. 14299, ''Deploying Advanced Nuclear Reactor Technologies for National Security,'' which discusses the national security aspects of the need for additional nuclear energy nationwide.

The domestic extraction of some critical minerals, which are established by the U.S. Geological Survey in coordination with responsible agencies and departments, in part to protect national security, may involve the recovery of source material and require licensing by the NRC or an Agreement State. E.O. 14154 speaks directly to the importance of critical minerals in establishing a United States policy ''to establish our position as the leading producer and processor of non-fuel minerals, including rare earth minerals, which will create jobs and prosperity at home, strengthen supply chains for the United States and its allies, and reduce the global influence of malign and adversarial states.''

Consistent with the direction of the previously discussed E.O.s as well as the National Materials and Minerals Policy, Research and Development Act of 1980, which ensures the stable supply of materials necessary to maintain national security, this activity necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of material between all Agreement States and NRC jurisdictions. The proposed change in compatibility category for these licensees will ensure uniformity for license termination nationwide since the domestic extraction of critical minerals is important for national security.

Similarly, the NRC is proposing to change the compatibility category of 10 CFR part 40, Appendix A for Criterion 5 and Criterion 6 from Category C to Category B. These criteria in 10 CFR part 40, Appendix A contain the groundwater and stabilization and control of material requirements that must be achieved prior to license termination of uranium mills. Criterion 5 establishes applicable groundwater protection standards during operations and prior to the end of closure. Criterion 6 establishes additional requirements for the stabilization and control of material prior to the end of closure. The domestic milling of uranium is an essential part of the nuclear fuel cycle and, therefore, important to national security, consistent with the direction of the previously discussed E.O.s. As uranium milling occurs in multiple jurisdictions, it is important for a consistent approach and understanding of license termination criteria nationwide. Further, a consistent approach is essential to the overall regulatory framework for domestic uranium milling and, therefore, important to the development and growth of domestic uranium milling and to national security, consistent with the direction of the previously discussed E.O.s. Accordingly, the NRC is proposing changing Criterion 5 and Criterion 6 in 10 CFR part 40, Appendix A to Category B as the activity necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of material between all Agreement States and NRC jurisdictions.

Importantly, the NRC is not proposing that the license termination criteria for this subset of licensees are matters relating to common defense and security such that they would be exclusively regulated by the NRC. Rather, the national security considerations and Administration's priorities expressed in the above E.O.s underpin the NRC's proposal to designate these activities as Category B, for the identified licensees, as a practice or licensed activity that necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of agreement material between all Agreement States and NRC jurisdictions. The NRC recognizes the challenges Agreement States may have in implementing different compatibility categories based on the type of licensed activity and will work with the States on implementation.

For newly proposed 10 CFR 20.1010 and the associated 10 CFR part 20, Appendix H, the NRC is proposing to assign Compatibility Category B. The proposed new regulation, § 20.1010, would reference a listing of generically approved alternative dosimetry methods in a proposed new Appendix H to 10 CFR part 20, and it would also provide the criteria for the NRC's approval of a method that is not listed in Appendix H.

The NRC is proposing to assign these regulations Category B because the use of dosimetry methods is cross-jurisdictional and the uniformity of approved alternatives is necessary to ensure an orderly regulatory pattern for the use and regulation of material between all Agreement States and NRC jurisdictions.

Next, the NRC is proposing to change the compatibility category of 10 CFR 20.1301(d) from Category C to Category A. Currently, 10 CFR 20.1301(d) allows a licensee or applicant to apply for prior NRC authorization to operate in excess of the public dose limit (*i.e.,* 100 mrem) for an individual member of the public, up to 500 mrem, and specifies the information the entity should provide in this application. The proposed revision to 10 CFR 20.1301(d) would remove the 500 mrem upper limit. This change does not affect the ability for Agreement States to approve an optional upper public dose limit consistent with past practices. With the removal of that upper limit and the regulation tied to the public dose limit of 100 mrem, the NRC proposes designating the regulation Compatibility Category A, consistent with the designation for the public dose limit.

For the newly proposed 10 CFR 20.1205, which concerns a new process for allowing workers to receive occupational doses in excess of applicable annual limits, the NRC is proposing to assign Compatibility Category A. As explained above, this optional process in the newly proposed 10 CFR 20.1205 would allow licensees to periodically exceed annual occupational dose limits for workers, provided that an adequate decision-making process is applied to support its use and that the overall dose is limited within specified multi-year average values. The proposed approach would allow for dose averaging across several years to demonstrate compliance with occupational dose limits. Similar to 10 CFR 20.1301(d) for the public dose limit, 10 CFR 20.1205 allows licensees flexibility with respect to the occupational dose limit. Thus, the NRC proposes designating 10 CFR 20.1205 as Category A, consistent with the designation for the occupational dose limit itself and the similar proposed designation for 10 CFR 20.1301(d) for the public dose limit flexibility. Moreover, in order to protect radiation workers' ability to work in different jurisdictions within the same calendar year when utilizing this provision, it is necessary for all jurisdictions to have the same flexibility built into their regulations.

With respect to 10 CFR part 35, the NRC is proposing to assign compatibility Category B to the new definitions for ''Caregiver'' and ''Administration regimen'' as well as the revised 10 CFR 35.75(b) regarding the dose limits for patient release, which means that these requirements have cross-jurisdictional boundaries implications. Agreement States' requirements should be essentially identical to those of the NRC so that there are consistent standards for patient release requirements between the NRC and the Agreement States.

Since the 2002 adoption of the current dose-based criteria in 10 CFR 35.75, the treatment and release of patients with byproduct materials have undergone a number of significant changes with regard to the doses and administrative regimens of therapeutic radioisotopes used, treatment modalities, and the treatment and release of patient at regional treatment centers that require patients to travel in multiple jurisdictions. These changes require consistent standards to ensure equivalent levels of protection. For example, an increasing number of therapeutic radiopharmaceuticals are being delivered over the course of multiple administrations. Safe implementation of the proposed revision to 10 CFR 35.75(b) relies on consistent application of release considerations over the course of the entire administration regimen, which could be delivered in multiple jurisdictions.

The compatibility (A, B, C, D, and NRC) and adequacy (H&S) categories are designated in the following tables:

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 19

Section	Change	Subject	Compatibility	
			Existing	New
19.12	Amend	Instruction to workers	C	C.
19.13	Amend	Notifications and reports to individuals	C	C.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 20

Section	Change	Subject	Compatibility	
			Existing	New
20.1003	Amend	Definition—Airborne radioactivity area	A	A.
20.1003	Delete	Definition—ALARA	A.	
20.1003	Amend	Definition—Annual limit on intake	A	A.
20.1003	Amend	Definition—Committed Dose Equivalent	A	A.
20.1003	New	Definition—Committed equivalent dose		A.
20.1003	Amend	Definition—Committed effective dose equivalent.	A	A.
20.1003	New	Definition—Committed effective dose		A.
20.1003	Amend	Definition—Derived air concentration	A	A.
20.1003	Amend	Definition—Dose or radiation dose	D	D.
20.1003	Amend	Definition—Dose equivalent	A	A.
20.1003	New	Definition—Dosimetry method (or system).		A.
20.1003	New	Definition—Effective dose		A.
20.1003	Amend	Definition—Effective dose equivalent	A	A.
20.1003	New	Definition—Equivalent Dose		A.
20.1003	New	Definition—Graded approach to dose management.		A.
20.1003	Amend	Definition—License	D	D.
20.1003	Amend	Definition—Nonstochastic effect	A	A.
20.1003	Amend	Definition—Planned special exposure	D	D.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 20—Continued

Section	Change	Subject	Compatibility	
			Existing	New
20.1003	New	Definition—Planned occupational dose limit extension.		A.
20.1003	New	Definition—Radiation weighting factor		A.
20.1003	Amend	Definition—Stochastic effects	A	A.
20.1003	New	Definition—Total effective dose		A.
20.1003	Amend	Definition—Weighting factor	A	A.
20.1004	Amend	Units of radiation dose	A	A.
20.1010	New	Dosimetry methods		B.
20.1101(a) and (c)	Amend	Radiation protection programs	H&S	H&S.
20.1101(b)	Amend	Radiation protection programs	H&S	A.
20.1101(d)	Amend	Radiation protection programs	C	A, except portions of these provisions are designated as NRC (Those portions of the provision that address areas reserved to the NRC, *e.g.,* 10 CFR Parts 50.34a and 53.260 are designated as a Compatibility Category NRC).
20.1201	Amend	Occupational dose limits for adults	A	A.
20.1202	Amend	Compliance with requirements for summation of external and internal doses.	A	A.
20.1204	Amend	Determination of internal exposure	A	A.
20.1205	New	Planned occupational dose limit extension.		A.
20.1206	Amend	Planned special exposures	D	D.
20.1301(a), (b), (c)	Amend	Dose limits for individual members of the public.	A	A.
20.1301(d)	Amend	Dose limits for individual members of the public.	C	A.
20.1302(b)	Amend	Compliance with dose limits for individual members of the public.	H&S	H&S.
20.1302(c)	Amend	Compliance with dose limits for individual members of the public.	D	D.
20.1402	Amend	Radiological criteria for unrestricted use	C	B—for source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. C—for all other Agreement State licensed activities.*
20.1403	Amend	Criteria for license termination under restricted conditions.	C	B—for source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. C—for all other Agreement State licensed activities.*
20.1404	Amend	Alternate criteria for license termination	C	B—for source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. C—for all other Agreement State licensed activities.*
20.1405	Amend	Public notification and public participation.	C	C.
20.1502	Amend	Conditions requiring individual monitoring of external and internal occupational dose.	H&S	H&S.
20.1601(f)	Amend	Control of access to high radiation areas.	H&S	H&S.
20.1702	Amend	Use of other controls	H&S	H&S.
20.1703	Amend	Use of individual respiratory protection equipment.	H&S	H&S.
20.1704	Amend	Further restrictions on the use of respiratory protection equipment.	D	D.
20.1705	Amend	Application for use of higher assigned protection factors.	B	B.
20.1905(b)	Amend	Exceptions to labeling requirements	A	A.
20.2002	Amend	Method for obtaining approval of proposed disposal procedures.	D	D.
20.2003 (a)(2)&(a)(3).	Amend	Disposal by release into sanitary sewerage.	A	A.
20.2004	Amend	Treatment or disposal by incineration	D	D.
20.2101	Amend	General provisions	C	C.
20.2104	Amend	Determination of prior occupational dose.	D or H&S (for States who adopt planned special exposure).	D or H&S (for States who adopt planned special exposure.
20.2105	Amend	Records of planned special exposures	D	D.
20.2106(a)	Amend	Records of individual monitoring results	C	C.
20.2107	Amend	Records of dose to individual members of the public.	D	D.
20.2202(e)	Amend	Notification of incidents	D	D.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 20—Continued

Section	Change	Subject	Compatibility	
			Existing	New
20.2203(a), (b)	Amend	Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits.	C	C.
Appendix G	Amend	Requirements for Low-level radioactive waste intended for disposal at land disposal facilities and manifests.	B	B.
App. G I	Amend	Manifest	B	B.
App. G I	New	Definition—Carrier		B.
App. G I	Delete	Definition—Computer readable medium	B.	
App. G I	Amend	Definition—EPA identification number	B	B.
App. G I	Amend	Definition—High integrity container	B	B.
App. G I	Amend	Definition—NRC Forms 540, 540A, 541, 541A, 542, and 542A.	B	B.
App. G I	Amend	Definition—Shipping paper	B	B.
App. G I	Amend	Definition—Uniform Low-Level Radioactive Waste Manifest.	B	B.
App. G III.A	Amend	Control and Tracking	B	B.
App. G III.B	Amend	Control and Tracking	B	B.
App. G III.C	Amend	Control and Tracking	B	B.
App. G III.D	Amend	Control and Tracking	B	B.
Appendix H	New	Alternative Dosimetry Methods Acceptable for Use to Demonstrate Compliance with NRC's Standards for Protection Against Radiation.		B.

*Consistent with 10 CFR 20.1401(a), the criteria in 10 CFR part 20, subpart E do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 34

Section	Change	Subject	Compatibility	
			Existing	New
34.3	Delete	Definitions—ALARA	[A].	
34.42(c), (d)	Delete	Radiation Safety Officer for industrial radiography.	D.	

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 35

Section	Change	Subject	Compatibility	
			Existing	New
35.2	New	Definitions—Administration Regimen		B.
35.2	New	Definitions—Caregiver		B.
35.75(a)	Revised	Release of individuals containing unsealed byproduct material or implants containing byproduct material.	C	C.
35.75(b)	Amend	Release of individuals containing unsealed byproduct material or implants containing byproduct material.	C	B.
35.75(c)	Amend	Release of individuals containing unsealed byproduct material or implants containing byproduct material.	C	C.
35.75(d)	Amend	Release of individuals containing unsealed byproduct material or implants containing byproduct material.	D	D.
35.2075	Amend	Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material.	D	D.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 40

Section	Change	Subject	Compatibility	
			Existing	New
Appendix A	Amend	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content.	Definitions—A for States with authority to regulate uranium mill activities (11e.(2) byproduct material). Criterion 11A.thru F and Criterion 12 are NRC. All of the remaining portions of the section are C—for States with authority to regulate uranium mill activities. D—States without authority.	Definitions—A for States with authority to regulate uranium mill activities (11e.(2) byproduct material). Criterion 5 and 6 are B—for States with authority to regulate uranium mill activities. D—States without authority. Criterion 11A. thru F and Criterion 12 are NRC. All of the remaining portions of the section are C—for States with authority to regulate uranium mill activities. D—States without authority.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 61

Section	Change	Subject	Compatibility	
			Existing	New
61.41	Amend	Protection of the general population from releases of radioactivity.	A	A.
61.43	Amend	Protection of individuals during operations.	H&S	H&S.

ADEQUACY AND COMPATIBILITY TABLE FOR 10 CFR PART 71

Section	Change	Subject	Compatibility	
			Existing	New
71.87	Amend	Routine determinations	[B]	[B].

The NRC invites comment on the compatibility category designations in the proposed rule and suggests that commenters refer to Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' and its Handbook for more information. The NRC notes that, like the rule text, the compatibility category designations can change between the proposed rule and final rule, based on comments received and NRC decisions regarding the final rule. The NRC encourages anyone interested in commenting on the compatibility category designations in any manner to do so during the comment period.

XVI. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC is proposing to amend its regulations that govern its standards for protection against radiation. The amendments reflect the agency's reconsideration of its use of the LNT model for assessing health effects from radiation exposure and its application of the ALARA principle that is predicated on the LNT model. The proposed rule would reflect the NRC's experience and other developments in the field of radiation protection since the NRC's last major revisions to these standards in 1991. As part of the proposed rule, the NRC would discontinue the use of ALARA terminology in its regulations and guidance and would use a graded approach to dose management in its place.

The proposed rule would give licensees the option to voluntarily use alternative dosimetry methods to demonstrate compliance with NRC regulations in 10 CFR part 20 without separate NRC approval through a new regulation, § 20.1010, and its associated Appendix H. The NRC has determined that allowing the use of dosimetry methods based on specific, identified publications will offer flexibility to licensees and applicants, increase efficiency in licensing, operations, and administration of radiation protection programs, and bring the NRC's radiation protection framework more in line with current recommendations, while still retaining reasonable assurance of adequate protection of the public health and safety. The NRC determined that this change would maintain the effectiveness of the radiation protection regulatory framework because the alternative dosimetry methods that would be preapproved for use are appropriate for the scope of activities subject to 10 CFR part 20, are technically adequate and have been published by expert, standards-setting organizations, and provide sufficient transparency regarding associated assumptions and uncertainties. Accordingly, the proposed new regulation, § 20.1010, would reference a listing of preapproved alternative dosimetry methods in proposed new Appendix H and it would also provide the criteria for the NRC approval of a method not listed in Appendix H. The methods to be included in Appendix H have been promulgated primarily by the ICRP, but the listing of approved methods also includes other methods published by consensus-setting organizations. In the future, the NRC expects to update Appendix H as appropriate, including as more methods become available.

In this proposed rule, the NRC is proposing to incorporate by reference the following voluntary consensus standards from the American National Standards Institute/American Nuclear Society (ANSI/ANS) and the

International Commission on Radiological Protection (ICRP):

1. ANSI/ANS–6.1.1–2020—ANSI/ANS, 2020. *Photon and Neutron Fluence-to-Dose Conversion Coefficients.* ANSI/ANS–6.1.1–2020. La Grange Park, IL: American Nuclear Society.

2. ICRP Publication 56—ICRP, 1990. *Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 1.* ICRP Publication 56. Ann. ICRP 20 (2).

3. ICRP Publication 67—ICRP, 1993. *Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 2 Ingestion Dose Coefficients.* ICRP Publication 67. Ann. ICRP 23 (3–4).

4. ICRP Publication 68—ICRP, 1994. *Dose Coefficients for Intakes of Radionuclides by Workers.* ICRP Publication 68. Ann. ICRP 24 (4).

5. ICRP Publication 69—ICRP, 1995. *Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 3 Ingestion Dose Coefficients.* ICRP Publication 69. Ann. ICRP 25 (1).

6. ICRP Publication 71—ICRP, 1995. *Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 4 Inhalation Dose Coefficients.* ICRP Publication 71. Ann. ICRP 25 (3–4).

7. ICRP Publication 72—ICRP, 1995. *Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 5 Compilation of Ingestion and Inhalation Coefficients.* ICRP Publication 72. Ann. ICRP 26 (1).

8. ICRP Publication 116—ICRP, 2010. *Conversion Coefficients for Radiological Protection Quantities for External Radiation Exposures.* ICRP Publication 116. Ann. ICRP 40 (2–5).

9. ICRP Publication 130—ICRP, 2015. *Occupational Intakes of Radionuclides: Part 1.* ICRP Publication 130. Ann. ICRP 44(2).

10. ICRP Publication 134—ICRP, 2016. *Occupational Intakes of Radionuclides: Part 2.* ICRP Publication 134. Ann. ICRP 45(¾), 1–352.

11. ICRP Publication 137—ICRP, 2017. *Occupational Intakes of Radionuclides: Part 3.* ICRP Publication 137. Ann. ICRP 46(¾).

12. ICRP Publication 141—ICRP, 2019. *Occupational Intakes of Radionuclides: Part 4.* ICRP Publication 141. Ann. ICRP 48(⅔).

13. ICRP Publication 144—ICRP, 2020. *Dose Coefficients for External Exposures to Environmental Sources.* ICRP Publication 144. Ann. ICRP 49(2).

14. ICRP Publication 151—ICRP, 2022. *Occupational Intakes of Radionuclides: Part 5.* ICRP Publication 151. Ann. ICRP 51(1–2).

The NRC invites comment on the applicability and use of other standards.

XVII. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC proposes to incorporate by reference. As described in the ''Background'' and ''Discussion'' sections of this document, these materials contain standards.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. On November 7, 2014, the OFR adopted changes to its regulations governing incorporation by reference (79 FR 66267). The OFR regulations require an agency to include in a proposed rule a discussion of the ways that the materials the agency proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. The discussion in this section complies with the requirement for proposed rules as set forth in 1 CFR 51.5(a)(1).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is ''reasonably available.'' The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

1. Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''small entities'' has the same meaning as a ''small entity'' under 10 CFR 2.810.

2. Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''large entities'' are those that do not qualify as a ''small entity'' under 10 CFR 2.810.

3. Non-governmental organizations with institutional interests in the matters regulated by the NRC.

4. Other Federal agencies, States, and local governmental bodies (within the meaning of 10 CFR 2.315(c)).

5. Federally-recognized and State-recognized Indian Tribes.

6. Members of the public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials that the NRC proposes to incorporate by reference by rulemaking in order to participate in the rulemaking process.

ICRP documents are publicly available and may be found by contacting International Commission on Radiological Protection, 350 Albert Street Suite 410, Ottawa, Ontario, K1R 1A4, Canada or online at *https://www.icrp.org/index.asp.*

Interested parties may purchase a copy of the ANSI/ANS material from ANSI/ANS at American National Standards Institute/American Nuclear Society (ANSI/ANS): ATTN Standards, 555 N Kensington Avenue, La Grange Park, IL 60526, or at the ANSI website, *https://webstore.ansi.org/.* The purchase price for the material is $97.

For the class of interested parties constituting members of the public who wish to gain access to the materials to be incorporated by reference in order to participate in the rulemaking, the NRC recognizes that the cost may be so high that the materials could be regarded as not reasonably available for purposes of commenting on this proposed rule, despite the NRC's actions to make the materials available at the NRC's PDR. Accordingly, the NRC requested that ANSI/ANS consider enhancing public access to these materials during the public comment period. On February 11, 2026, ANSI/ANS agreed to make the material available online in a read-only electronic access format during the public comment period. Therefore, the one ANSI/ANS document that the NRC proposes to incorporate by reference in this rulemaking is available in read-only format at the ANSI/ANS website, *https://www.ans.org/standards/nprm/.*

In addition, as described in Section XIX of this document, documents related to this proposed rule are available online in the NRC's ADAMS Public Documents Collection at *https://www.nrc.gov/reading-rm/adams.html.*

The materials are available to all interested parties in multiple ways and in a manner consistent with their interest in this proposed rule. Therefore,

the NRC concludes that the materials the NRC proposes to incorporate by reference in this proposed rule are reasonably available to all interested parties.

XVIII. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action. Accordingly, the NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section IX of this document, ''Regulatory Analysis.''

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is tentatively determined to be a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this proposed rule can be found in Section IX of this document, ''Regulatory Analysis.''

D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers

E.O. 14267 requires the NRC to identify anti-competitive regulations for recission or modification. The NRC identified § 20.1101 because of the burden imposed by the NRC's implementation of the ALARA standard. The proposed modification of this and related regulations supports the objectives of E.O. 14267 by modifying regulatory requirements that could ''create unnecessary barriers to entry for new market participants'' or ''limit competition between competing entities or have the effect of limiting competition between competing entities.''

E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270 requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended (ERA), and the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rule are part of the NRC's permitting regime authorized by the AEA, ERA, or NWPA. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

F. Executive Order 14294: Fighting Overcriminalization in Federal Regulations

This proposed rule includes Federal regulations that, if adopted, would be enforceable by criminal penalty, as authorized by Section 223 of the Atomic Energy Act of 1954, as amended (AEA). Therefore, per E.O. 14294, those regulations constitute ''criminal regulatory offenses.''

For the purposes of Section 223 of the AEA, the NRC is issuing this proposed rule that would amend 10 CFR parts 19, 20, 34, 35, 40, 50, 53, 61, 71, and 72 under one or more of Sections 161b, 161i, or 161o of the AEA, except as noted in §§ 19.40(b), 20.2402(b), 34.123(b), 35.4002(b), 40.82(b), 50.111(b), 53.9010(b), 61.84(b), 71.100(b), and 72.86(b). The applicability of criminal penalties to regulations in parts 19, 20, 34, 35, 40, 50, 53, 61, 71, and 72 is set forth in §§ 19.40, 20.2402, 34.123, 35.4002, 40.82, 50.111, 53.9010, 61.84, 71.100, and 72.86. Willful violations of the 10 CFR parts 19, 20, 34, 35, 40, 50, 53, 61, 71, and 72 regulations, other than those listed in §§ 19.40(b), 20.2402(b), 34.123(b), 35.4002(b), 40.82(b), 50.111(b), 53.9010(b), 61.84(b), 71.100(b), and 72.86(b) (including as updated by this proposed rule), would be subject to criminal enforcement.

XIX. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/ **Federal Register** citation
Rule Related Documents	
Draft Environmental Assessment for the Proposed Rule—Executive Order 14300: Reforming and Modernizing the NRC's Radiation Protection Framework, July 13, 2026.	ML26180A026.
Draft Regulatory Analysis for the Proposed Rule—Executive Order 14300: Reforming and Modernizing the NRC's Radiation Protection Framework, July 13, 2026.	ML26180A025.
Draft Supporting Statement for the Proposed Rule—Executive Order 14300: Reforming and Modernizing the NRC's Radiation Protection Framework, July 13, 2026.	ML25337A399.
Proposed Rule—Burden Table for Reforming and Modernizing the NRC's Radiation Protection Framework, July 13, 2026.	ML26007A106.
Unofficial Redline for the Proposed Rule—Executive Order 14300: Reforming and Modernizing the NRC's Radiation Protection Framework, July 13, 2026.	ML26180A027.
LNT/ALARA Related Documents	
Title 10—Atomic Energy, Chapter I—Atomic Energy Commission, Part 20—''Standards for Protection Against Radiation,'' January 29, 1957.	22 FR 549.
Title 40—Protection of Environment, Chapter I—Environmental Protection Agency, Subchapter F—Radiation Protection Programs, [FRL 659–6], Part 190—''Environmental Radiation Protection Standards for Nuclear Power Operations,'' January 13, 1977.	42 FR 2858.

Document	ADAMS accession No./web link/ **Federal Register** citation
Proposed Rule, ''Standards for Protection Against Radiation; Republication,'' January 9, 1986.	51 FR 1092.
Proposed Rule and Notice of Public Hearing, ''National Emission Standards for Hazardous Air Pollutants; Regulation of Radionuclides,'' March 7, 1989.	54 FR 9612.
Final Rule and Notice of Reconsideration, ''National Emission Standards for Hazardous Air Pollutants; Radionuclides,'' December 15, 1989.	54 FR 51654.
Final Rule, ''Standards for Protection Against Radiation,'' May 21, 1991	56 FR 23360.
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993	58 FR 51735.
Final Rule, ''Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act,'' December 10, 1996.	61 FR 65120.
Final Rule, ''Radiological Criteria for License Termination,'' July 21, 1997	62 FR 39058.
''Plain Language in Government Writing,'' June 10, 1998	63 FR 31885.
Final Rule, ''Respiratory Protection and Controls to Restrict Internal Exposures,'' October 7, 1999.	64 FR 54543.
Advanced Notice of Proposed Rulemaking, ''Radiation Protection,'' July 25, 2014	79 FR 43284.
''Incorporation by Reference,'' November 7, 2014	79 FR 66267.
Petition for Rulemaking; Notice of Docketing and Request for Comment, ''Linear No-Threshold Model and Standards for Protection Against Radiation,'' June 23, 2015.	80 FR 35870.
''Rulemaking Activities Being Discontinued by the NRC,'' December 28, 2016	81 FR 95410.
''Agreement State Program Policy Statement,'' October 18, 2017	82 FR 48535.
''Linear No-Threshold Model and Standards for Protection Against Radiation,'' August 17, 2021.	86 FR 45923.
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025	90 FR 8353.
Executive Order 14156, ''Declaring a National Energy Emergency,'' January 29, 2025.	90 FR 8433.
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025.	90 FR 9065.
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025.	90 FR 10447.
Executive Order 14267, ''Reducing Anti-Competitive Regulatory Barriers,'' April 15, 2025.	90 FR 15629.
Executive Order 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' April 15, 2025.	90 FR 15643.
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025.	90 FR 22587.
Executive Order 14303, ''Restoring Gold Standard Science,'' May 29, 2025	90 FR 22601.
''2025 Draft List of Critical Minerals,'' August 26, 2025	90 FR 41591.
International Atomic Energy Agency (IAEA) Nuclear Safety and Security Glossary	*https://www.iaea.org/publications/15236/iaea-nuclear-safety-and-security-glossary#.*
NUREG–0713, Volume 45, ''Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities,'' July 2025.	ML25191A324.
NUREG–1530, Revision 1, ''Reassessment of NRC's Dollar Per Person-Rem Conversion Factor Policy,'' February 2022.	ML22053A025.
NUREG–1556, Vol 2, Rev. 1, ''Program-Specific Guidance About Industrial Radiography Licenses,'' February 2016.	ML16062A091.
NUREG–1757, Vol 2, Rev. 2, ''Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria,'' July 2022.	ML22194A859.
Regulatory Issue Summary (RIS) 2006–18, ''Requesting Exemption from the Public Dose Limits for Certain Caregivers of Hospital Patients,'' August 31, 2006.	ML061940204.
SECY–01–0148, ''Processes for Revision of 10 CFR Part 20 Regarding Adoption of ICRP Recommendations on Occupational Dose Limits and Dosimetric Models and Parameters,'' August 2, 2001.	ML011580363.
SECY–08–0197, ''Options to Revise Radiation Protection Regulations and Guidance with Respect to the 2007 Recommendations of the International Commission on Radiological Protection,'' December 18, 2008.	ML091310193.
SECY–12–0064, ''Recommendations for Policy and Technical Direction to Revise Radiation Protection Regulations and Guidance,'' April 25, 2012.	ML121020108.
SECY–16–0009, ''Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,'' January 31, 2016.	ML16028A189.
IAEA Nuclear Safety and Security Glossary, ''Terminology Used in Nuclear Safety, Nuclear Security, Radiation Protection and Emergency Preparedness and Response, 2022 (Interim) Edition.	*https://www.iaea.org/publications/15236/iaea-nuclear-safety-and-security-glossary.*
Journal of the National Cancer Institute Monographs (JNCI) Monographs, Gilbert et al, ''Issues in Interpreting Epidemiologic Studies of Populations Exposed to Low-Dose, High-Energy Photon Radiation,'' July 13, 2020.	*https://pmc.ncbi.nlm.nih.gov/articles/PMC7355296/, https://doi.org/10.1093/jncimonographs/lgaa004.*
National Academies of Sciences, Engineering, and Medicine, ''Health Risks from Exposure to Low Levels of Ionizing Radiation: BEIR VII Phase 2,'' 2006.	*https://doi.org/10.17226/11340.*
Documents Relating to Incorporation by Reference	
ICRP Publication Database	*https://www.icrp.org/.*

Document	ADAMS accession No./web link/ **Federal Register** citation
ICRP Publication 1—ICRP, 1959. Recommendations of the International Commission on Radiological Protection. Now known as ICRP Publication 1. Pergamon Press, New York.	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%201.*
ICRP Publication 26—ICRP, 1977. Recommendations of the ICRP. ICRP Publication 26. Ann. ICRP 1 (3).	*https://www.icrp.org/publication.asp?id=icrp%20publication%2026.*
ICRP Publication 30—ICRP, 1979. Limits for Intakes of Radionuclides by Workers. ICRP Publication 30 (Part 1). Ann. ICRP 2 (3–4).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2030%20(Part%201).*
ICRP Publication 56—ICRP, 1990. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 1. ICRP Publication 56. Ann. ICRP 20 (2).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2056.*
ICRP Publication 60—ICRP, 1991. 1990 Recommendations of the International Commission on Radiological Protection. ICRP Publication 60. Ann. ICRP 21 (1–3).	*https://www.icrp.org/publication.asp?id=icrp%20publication%2060.*
ICRP Publication 67—ICRP, 1993. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 2 Ingestion Dose Coefficients. ICRP Publication 67. Ann. ICRP 23 (3–4).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2067.*
ICRP Publication 68—ICRP, 1994. Dose Coefficients for Intakes of Radionuclides by Workers. ICRP Publication 68. Ann. ICRP 24 (4).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2068.*
ICRP Publication 69—ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 3 Ingestion Dose Coefficients. ICRP Publication 69. Ann. ICRP 25 (1).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2069.*
ICRP Publication 71—ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 4 Inhalation Dose Coefficients. ICRP Publication 71. Ann. ICRP 25 (3–4).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%2071.*
ICRP Publication 72—ICRP, 1995. Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 5 Compilation of Ingestion and Inhalation Coefficients. ICRP Publication 72. Ann. ICRP 26 (1).	*https://www.icrp.org/publication.asp?id=icrp%20publication%2072.*
ICRP Publication 101—ICRP, 2006. Assessing Dose of the Representative Person for the Purpose of the Radiation Protection of the Public. ICRP Publication 101a. Ann. ICRP 36 (3).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%20101a.*
ICRP Publication 103—ICRP, 2007. The 2007 Recommendations of the International Commission on Radiological Protection. ICRP Publication 103. Ann. ICRP 37 (2–4).	*https://www.icrp.org/publication.asp?id=ICRP%20Publication%20103.*
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The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2025–1140. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2025–1140); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear Energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Hazardous waste, Incorporation by reference; Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste manifest.

10 CFR Part 34

Criminal penalties, Incorporation by reference, Manpower training programs, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures, X-rays.

10 CFR Part 35

Biologics, Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Labeling, Medical devices, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties, Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

10 CFR Part 61

Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Low- level waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing. protection of the general population from releases of radioactivity, Protection of individuals during operations.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Packaging and containers, Penalties, Radioactive materials, Reporting and recordkeeping requirements.

10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 19, 20, 34, 35, 40, 50, 53, 61, 71, and 72:

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

■ 1. The authority citation for part 19 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 211, 401 (42 U.S.C. 5841, 5851, 5891); 44 U.S.C. 3504 note.

■ 2. In § 19.12, revise paragraphs (a) introductory text and (a)(2) to read as follows:

§ 19.12 Instruction to workers.

(a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of the limit for individual members of the public in § 20.1301(a)(1) of this chapter shall be—

(1) * * *

(2) Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to manage

dose, and in the purposes and functions of protective devices employed;

* * * * *

■ 3. In § 19.13, revise paragraph (b)(1) to read as follows:

§ 19.13 Notifications and reports to individuals.

* * * * *

(b) * * *

(1) The individual's occupational dose exceeds the limit for individual members of the public in § 20.1301(a)(1) of this chapter; or

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 4. The authority citation for part 20 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161,170H, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2210h, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

■ 5. In § 20.1003,

(a) Revise the definitions of ''Airborne radioactivity area'', ''Annual limit on intake'', ''Committed dose equivalent'', ''Committed effective dose equivalent'', ''Derived air concentration'', ''Dose or radiation dose'', ''Dose equivalent'', ''Effective dose equivalent'', ''License'', ''Nonstochastic effect'', ''Quarter'', ''Stochastic effects'', and ''Weighting factor'';

(b) Add, in alphabetical order, definitions for ''Committed effective dose'', ''Committed equivalent dose'', ''Dosimetry method (or system)'', ''Effective dose'', ''Equivalent dose'', ''Graded approach to dose management'', ''Planned occupational dose limit extension'', ''Radiation weighting factor'', and ''Total Effective Dose''; and

(c) Remove the definition for the term ''ALARA''.

The additions and revisions read as follows:

§ 20.1003 Definitions.

* * * * *

Airborne radioactivity area means a room, enclosure, or area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations—

(1) In excess of the derived air concentrations (DACs) specified in appendix B, to §§ 20.1001–20.2402, or as developed using alternative dosimetry methods pursuant to § 20.1010, or

(2) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

* * * * *

Annual limit on intake (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in table 1, columns 1 and 2, of appendix B to §§ 20.1001–20.2402; alternatively, licensees can develop ALI values using alternative dosimetry methods pursuant to § 20.1010).

* * * * *

Committed dose equivalent ($H_{T,Q,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

* * * * *

Committed effective dose (E_t) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed equivalent dose to these organs or tissues ($E_t = \Sigma\, w_T\, H_{T,t}$).

* * * * *

Committed effective dose equivalent ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \Sigma\, w_T\, H_{T,Q,50}$).

* * * * *

Committed equivalent dose ($H_{T,t}$) means the equivalent dose to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the years (t) period following the intake. ''t'' is 50 years for adults and 70 years for minors.

* * * * *

Derived air concentration (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in table 1, column 3, of appendix B to §§ 20.1001–20.2402; alternatively, licensees can develop DAC values using alternative dosimetry methods pursuant to § 20.1010.

* * * * *

Dose or *radiation dose* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, committed equivalent dose, committed effective dose, total effective dose equivalent, effective dose, or total effective dose, as defined in other paragraphs of this section.

Dose equivalent ($H_{T,Q}$) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

Dosimetry method (or system) means an approach for calculating the biological effects of ionizing radiation exposure in humans. The approach provides a repeatable method of converting from fundamental knowledge of radioactive decay to biological effects, typically through modeling and a series of conversion and correction factors for types of radiation emitted and interactions with tissues, organs, and the environment.

* * * * *

Effective dose (E) is the sum of the products of the equivalent dose (H_T) to a tissue or organ and the tissue weighting factor for that tissue or organ (w_T). The sum is performed over all the specified organs and tissues involved and includes equivalent doses from external sources and equivalent doses (committed) for intakes of radionuclides ($E = \Sigma\, w_T\, H_T$). Effective dose is applicable only to stochastic effects and the tissue weighting factors were developed for a reference population of equal numbers of both males and females and a wide range of ages.

Effective dose equivalent (H_E) is the sum of the products of the dose equivalent to the organ or tissue ($H_{T,Q}$) and the weighting factors (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \Sigma\, w_T\, H_{T,Q}$).

* * * * *

Equivalent dose (H_T) is the product of the absorbed dose averaged over a tissue or organ and the radiation weighting factor for the radiation under consideration; therefore, it is an absorbed dose that is weighted for the radiation quality of interest. The equivalent dose term was introduced in International Commission on Radiological Protection Publication 60

to differentiate dose equivalent, which depends on the quality factor for weighting, from a new weighted absorbed dose value, which depends on the radiation weighting factor (w_R). The units of equivalent dose are the rem and sievert (Sv).

* * * * *

Graded approach to dose management means an approach whereby progressively increasing radiation protection measures are required as prospective, or actual, radiation doses exceed determinate thresholds to provide reasonable assurance that the applicable regulatory limit is not exceeded.

* * * * *

License means a license issued under the regulations in parts 30 through 36, 39, 40, 50, 52, 53, 60, 61, 63, 70, or 72 of this chapter.

* * * * *

Nonstochastic effect (also called a deterministic effect or tissue effect) means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist.

* * * * *

Planned occupational dose limit extension means a planned exposure to radiation in addition to the annual occupational dose limits that utilizes unused occupational dose allowances from previous years. Such exposure must be limited so that the total occupational dose received by the individual for the current year and the preceding four years does not exceed limits prescribed in this part.

* * * * *

Quarter means a period of time equal to one-fourth of the year observed by the licensee (approximately 13 consecutive weeks), providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

* * * * *

Radiation weighting factor (w_R) is a modifying factor that represents the type and energy of the radiation incident on the body or, when sources are within the body, the type and energy emitted by the source.

* * * * *

Stochastic effects means malignant disease and heritable effects for which the probability of an effect occurring, but not its severity, is regarded as a function of dose without threshold, for radiation protection purposes.

* * * * *

Total Effective Dose (TED) means the sum of the effective dose (for external exposures) and the committed effective dose (for internal exposures). Values of TEDE and TED can be added (*e.g.,* for the purpose of long-term dose tracking) when using different dosimetry systems, provided they are developed in accordance with dosimetry methods or systems as defined in this part.

* * * * *

Weighting factor w_T, for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. Licensees can obtain w_T values using alternative dosimetry methods pursuant to § 20.1010. For calculating the effective dose equivalent, the values of w_T are:

* * * * *

■ 6. In § 20.1004, add paragraphs (d) and (e) to read as follows:

§ 20.1004 Units of radiation dose.

* * * * *

(d) In cases where a licensee or applicant uses alternative dosimetry methods pursuant to § 20.1010, the applicable conversion factors between absorbed dose and equivalent dose may be determined using the standards in appendix H or methods approved through § 20.1010(b).

(e) Dosimetric quantities that are determined using different dosimetry methods can be added as follows—

(1) Values of equivalent dose and dose equivalent that are determined using different dosimetry methods are additive provided that the methods used in their determination are applied as intended.

(2) Values of total effective dose equivalent/effective dose equivalent and total effective dose/effective dose that are determined using different dosimetry methods are additive provided that the methods used in their determination are applied as intended.

(3) Notwithstanding § 20.1004(e)(1) and § 20.1004(e)(2), where a licensee or applicant uses weighting factors (*i.e.,* w_R or w_T) that differ from those published by the International Commission on Radiological Protection for a particular dosimetry method, the resulting quantities are not additive to values that are determined using International Commission on Radiological Protection methods. In these cases, these resulting dosimetric quantities are subject to the conditions, including those on additivity, as specified in the corresponding NRC approval of that dosimetry method.

■ 7. Add § 20.1010 to subpart A to read as follows:

§ 20.1010 Alternative dosimetry methods.

The regulations in this part are largely based on dosimetry methods that implement the recommendations of International Commission on Radiological Protection Publication 26 and supporting documents (*e.g.,* International Commission on Radiological Protection Publication 30).

(a) A licensee or applicant may use alternative dosimetry methods, including assumptions (*e.g.,* aerosol size distribution, solubility class, density, and chemical forms), dose conversion factors, and tissue and radiation weighting factors, to demonstrate compliance with the dose limits in subparts C and D, as well as other dose-based requirements and criteria in this part, and to develop derived limits such as ALIs and DACs. Unless otherwise approved by the NRC per paragraph (b), alternative dosimetry methods must be consistent with one or more of the standards incorporated by reference and listed in appendix H to part 20.

(b) A licensee or applicant may apply for NRC authorization to use an alternative dosimetry method not listed in appendix H to part 20. The licensee or applicant shall include the following information in this application—

(1) Justification that the proposed method is appropriate for, or applicable to, the intended use;

(2) Description of the technical adequacy of the proposed method, for example, as supported by peer-reviewed research or consensus-based standards; and

(3) Demonstration that the proposed method provides transparency regarding assumptions and uncertainties such that a knowledgeable third party could apply the method and obtain results similar to those obtained by the licensee or applicant.

■ 8. In § 20.1101, revise paragraphs (b) through (d) to read as follows:

§ 20.1101 Radiation protection programs.

* * * * *

(b) The licensee shall use procedures, engineering controls, and a graded approach to dose management based upon sound radiation protection principles to maintain occupational doses and doses to members of the public within the limits specified in this part.

(c) The licensee shall periodically review the radiation protection program content and implementation.

(d) Notwithstanding the requirements in § 20.1301 of this part, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees other than those subject to

§ 50.34a or § 53.260 of this chapter, such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 25 mrem (0.25 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in § 20.2203 and promptly take appropriate corrective action to ensure against recurrence. A licensee or applicant may request prior NRC authorization to establish a higher constraint, provided that the proposed constraint provides an ample margin of safety to protect public health.

■ 9. Revise and republish § 20.1201(a) through (d) to read as follows:

§ 20.1201 Occupational dose limits for adults.

(a) The licensee shall control the occupational dose to individual adults, except for planned occupational dose limit extensions under § 20.1205 and planned special exposures under § 20.1206, to the following dose limits.

(1) An annual limit, which is the more limiting of—

(i) The total effective dose equivalent being equal to 5 rems (0.05 Sv); or

(ii) The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities, which are:

(i) A lens dose equivalent of 15 rems (0.15 Sv), and

(ii) A shallow-dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

(b) Doses received in excess of the annual limits, with the exception of doses received under § 20.1205, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits for planned special exposures that the individual may receive during the current year (see § 20.1206(e)(1)) and during the individual's lifetime (see § 20.1206(e)(2)).

(c) When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC or by an alternative dosimetry method pursuant to § 20.1010. The assigned deep-dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens-dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

(d) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in table 1 of appendix B to part 20 and may be used to determine the individual's dose (see § 20.2106) and to demonstrate compliance with the occupational dose limits. Alternatively, the licensee may use alternative dosimetry methods to demonstrate compliance with the occupational dose limits (see § 20.1010).

* * * * *

■ 10. In § 20.1202, revise footnote 1 to read as follows:

§ 20.1202 Compliance with requirements for summation of external and internal doses.

* * * * *

[1] An organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factor, w_T, and the committed dose equivalent, $H_{T,Q,50}$, per unit intake is greater than 10 percent of the maximum weighted value of $H_{T,Q,50}$, (*i.e.,* $w_T H_{T,Q,50}$) per unit intake for any organ or tissue.

■ 11. In § 20.1204, revise paragraphs (c)(2) and (3), (e)(1), and (h)(2), to read as follows:

§ 20.1204 Determination of internal exposure.

* * * * *

(c) * * *

(2) Upon prior approval of the Commission or consistent with the use of alternative dosimetry methods to demonstrate compliance with dose limits as allowed by § 20.1010, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (*e.g.,* aerosol size distribution or density); and

(3) If applicable, separately assess the contribution of fractional intakes of different solubility classes (*e.g.,* Class D, W, or Y compounds of a given radionuclide (see appendix B to part 20)) to the committed effective dose equivalent.

* * * * *

(e) * * *

(1) The sum of the ratios of the concentration to the appropriate DAC value (*e.g.,* D, W, Y) from appendix B to part 20, or as determined using an alternative dosimetry method as allowed by § 20.1010, for each radionuclide in the mixture; or

* * * * *

(h) * * *

(2) When the ALI (and the associated DAC) is determined by the nonstochastic organ dose limit of 50 rem (0.5 Sv), the licensee may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee must also demonstrate that the limit in § 20.1201(a)(1)(ii) is met. Table 1 of appendix B to part 20 lists stochastic ALIs, even when the limiting ALI and DAC is governed by the nonstochastic organ dose limit of 50 rem (0.5 Sv). In cases where a licensee is using an alternative dosimetry method pursuant to § 20.1010, that licensee can develop the stochastic ALI to use for the purposes of this paragraph.

■ 12. Add section § 20.1205 to subpart C to read as follows:

§ 20.1205 Planned occupational dose limit extension.

A licensee may authorize a worker that is not a declared pregnant woman or a minor to receive occupational doses in excess of the limits specified in § 20.1201 provided that each of the following conditions is satisfied—

(a) The licensee (and employer if the employer is not the licensee) authorizes the planned occupational dose limit extension, in writing, before the dose limit specified in § 20.1201 is exceeded.

(b) Before a planned occupational dose limit extension, the licensee ensures that the individuals involved are—

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and estimated radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to manage doses considering other risks that may be present.

(c) Prior to permitting an individual to participate in a planned occupational dose limit extension, the licensee ascertains prior occupational doses as required by § 20.2104(b) during the current year and the preceding four years for each individual involved.

(d) The licensee does not authorize a planned occupational dose limit extension that would cause an

individual to receive a dose from all occupational exposures in excess of—

(1) Five times the numerical limits in § 20.1201(a)(1) and § 20.1201(a)(2)(ii) over the current year and the preceding four years;

(2) Twice the numerical limits in § 20.1201(a)(1) and § 20.1201(a)(2)(ii) in any one year; and

(3) A lens dose equivalent of 15 rem (0.15 Sv) in any one year.

(e) The licensee maintains records of the conduct of a planned occupational dose limit extension in accordance with § 20.2105.

(f) The dose from planned occupational dose limit extensions is not to be considered in controlling future occupational dose of the individual under § 20.1201(a) but is to be included in evaluations required by §§ 20.1205 (c) and (d) and 20.1206 (d) and (e).

■ 13. In § 20.1206, revise paragraph (c)(3) to read as follows:

§ 20.1206 Planned special exposures.

* * * * *

(c) * * *

(3) Instructed in the measures to be taken to manage doses considering other risks that may be present.

* * * * *

■ 14. In § 20.1301, revise paragraph (a)(1), remove and reserve paragraph (a)(2), and revise paragraphs (b) through (d) to read as follows:

§ 20.1301 Dose limits for individual members of the public.

(a) * * *

(1) The total effective dose equivalent to individual members of the public from the licensed operation, or any other source of radiation under the control of a licensee, does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under § 35.75, from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with § 20.2003.

(2) [Reserved]

(b) If the licensee permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals. Alternatively, a licensee or applicant may request prior NRC authorization for an annual dose limit in excess of 0.1 rem (1 mSv) for members of the public who have access to controlled areas, provided that dose is appropriately managed.

(c) Notwithstanding paragraph (a)(1) of this section, a licensee may permit members of the public to visit an individual who cannot be released, under § 35.75, to receive a radiation dose in excess of 0.1 rem (1 mSv) if—

(1) The radiation dose received is not likely to exceed either—

(i) 0.5 rem (5 mSv) for a member of the public who is not a caregiver per administration regimen; or

(ii) 2 rem (20 mSv) for a caregiver, as defined in 10 CFR part 35, per administration regimen; and

(2) The authorized user, as defined in 10 CFR part 35, has determined before the visit that it is appropriate.

(d) A licensee or applicant may apply for prior NRC authorization to operate with an annual dose limit for an individual member of the public in excess of 0.1 rem (1 mSv). The licensee or applicant shall include the following information in this application:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in paragraph (a) of this section;

(2) Description of the licensee's program to assess and control dose within the proposed dose limit for an individual member of the public; and

(3) The proposed dose limit for an individual member of the public and its supporting basis, including why it remains protective of the public health and safety.

* * * * *

■ 15. In § 20.1302, revise paragraph (b)(2) and remove and reserve paragraph (c) to read as follows:

§ 20.1302 Compliance with dose limits for individual members of the public.

* * * * *

(b) * * *

(1) * * *

(2) Demonstrating that—

(i) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table 2 of appendix B to part 20 or as developed using alternative dosimetry methods pursuant to § 20.1010; and

(ii) If an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.05 rem (0.5 mSv) in a year.

(c) [Reserved]

■ 16. Revise § 20.1402 to read as follows:

§ 20.1402 Radiological criteria for unrestricted use.

A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to the average member of the critical group that does not exceed 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and, consistent with § 20.1406(c), the residual radioactivity has been reduced to levels where further reductions would not be justified when considering any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal.

■ 17. In § 20.1403, revise paragraph (a) and revise and republish paragraph (e) to read as follows:

§ 20.1403 Criteria for license termination under restricted conditions.

* * * * *

(a) The licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of § 20.1402 would not be justified when considering any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal; would result in net public or environmental harm; or would not be justified through a cost-benefit analysis;

* * * * *

(e) Residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group would not exceed either—

(1) 100 mrem (1 mSv) per year provided that the licensee—

Demonstrates that further reductions in residual radioactivity would not be justified when considering any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal; or

(2) 500 mrem (5 mSv) per year provided that the licensee—

(i) Demonstrates that further reductions in residual radioactivity necessary to comply with the 100 mrem/y (1 mSv/y) value of paragraph (e)(1) of this section are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(ii) Makes provisions for durable institutional controls;

(iii) Provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every 5 years to assure that the institutional controls remain in place as necessary to meet the criteria of

§ 20.1403(b) and to assume and carry out responsibilities for any necessary control and maintenance of those controls. Acceptable financial assurance mechanisms are those in paragraph (c) of this section.

■ 18. In § 20.1404, revise and republish paragraphs (a)(1) through (a)(4) to read as follows:

§ 20.1404 Alternate criteria for license termination.

(a) * * *

(1) Provides assurance that public health and safety would continue to be protected by submitting an analysis demonstrating that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than 100 mrem/y (1 mSv/y);

(2) Has employed to the extent practical restrictions on site use according to the provisions of § 20.1403 in minimizing exposures at the site;

(3) Demonstrates that further reductions in residual radioactivity would not be justified when considering any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal;

(4) Has submitted a decommissioning plan or License Termination Plan (LTP) to the Commission indicating the licensee's intent to decommission in accordance with §§ 30.36(d), 40.42(d), 50.82(a) and (b), subpart G of part 53, 70.38(d), or 72.54 of this chapter, and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the decommissioning plan or LTP how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

(i) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement on the issues; and

* * * * *

■ 19. In § 20.1405, revise paragraph (b) to read as follows:

§ 20.1405 Public notification and public participation.

* * * * *

(b) Publish a notice in the **Federal Register** and in a forum, such as local newspapers, letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

■ 20. In § 20.1502, revise introductory text and paragraphs (a)(4) and (b)(1) to read as follows:

§ 20.1502 Conditions requiring individual monitoring of external and internal occupational dose.

Each licensee shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this part.

(a) * * *

(4) Individuals entering a high or very high radiation area. These individuals shall be monitored for external occupational dose, unless any of the conditions of § 20.1502(b) apply, in which case they shall be monitored for both external and internal occupational dose.

(b) * * *

(1) Adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable ALI(s) in table 1, columns 1 and 2, of appendix B to §§ 20.1001–20.2402 or as developed using alternative dosimetry methods pursuant to § 20.1010;

* * * * *

§ 20.1601 [Amended]

■ 21. In § 20.1601(f), remove the text ''ALARA''.

■ 22. Revise and republish § 20.1702 to read as follows:

§ 20.1702 Use of other controls.

(a) When it is not practical to apply process or other engineering controls to control the concentrations of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee shall increase monitoring and limit intakes by one or more of the following means—

(1) Control of access;

(2) Limitation of exposure times;

(3) Use of respiratory protection equipment; or

(4) Other controls.

(b) If the licensee performs an analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.

■ 23. In § 20.1703, revise paragraph (b) to read as follows:

§ 20.1703 Use of individual respiratory protection equipment.

* * * * *

(b) If the licensee wishes to use equipment that has not been tested or certified by NIOSH, or for which there is no schedule for testing or certification, the licensee shall submit an application to the NRC for authorized use of this equipment except as provided in this part. The application must include evidence that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. This must be demonstrated either by licensee testing or on the basis of reliable test information. The use of equipment that has not been tested or certified by NIOSH, but has previously been approved for use by the NRC, does not require an application and its approval as described in this paragraph, provided that the licensee maintains an evaluation to demonstrate that the bases for the previous NRC approval—as documented in the applicable safety evaluation—are applicable to the licensee's facility.

* * * * *

§ 20.1704 [Amended]

■ 24. In § 20.1704(a), remove the text ''ALARA'' and add in its place, ''within the requirements of this part''.

■ 25. In § 20.1705, add paragraph (c) to read as follows:

§ 20.1705 Application for use of higher assigned protection factors.

* * * * *

(c) The use of higher assigned protection factors that have previously been approved for use by the Commission does not require an application and its approval as described in this section, provided that the licensee maintains an evaluation to demonstrate that the bases for the previous Commission approval—as documented in the applicable safety evaluation—are applicable to the licensee's facility.

■ 26. In § 20.1905, revise paragraph (b) to read as follows:

§ 20.1905 Exemptions to labeling requirements.

* * * * *

(b) Containers holding licensed material in concentrations less than those specified in table 3 of appendix B to part 20 or concentrations derived using alternative dosimetry methods pursuant to § 20.1010; or

* * * * *

§ 20.2002 [Amended]

■ 27. In § 20.2002(d), remove the text ''ALARA and''.

■ 28. In § 20.2003, revise paragraphs (a)(2) and (a)(3)(i) to read as follows:

§ 20.2003 Disposal by release into sanitary sewerage.

(a) * * *

(1) * * *

(2) The quantity of licensed or other radioactive material that the licensee releases into the sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in table 3 of appendix B to part 20 or concentrations derived using alternative dosimetry methods pursuant to § 20.1010; and

(3) * * *

(i) The licensee shall determine the fraction of the limiting concentration in table 3 of appendix B to part 20, or the limiting concentrations derived using alternative dosimetry methods pursuant to § 20.1010, represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the applicable limiting concentration; and

* * * * *

§ 20.2004 [Amended]

■ 29. In § 20.2004, remove from the first sentence in paragraph (b)(1) the text ''the requirements of appendix I to part 50 of this chapter and''.

§ 20.2101 [Amended]

■ 30. In § 20.2101, remove from paragraph (c) the text ''Not withstanding'' and replace with ''Notwithstanding''.

■ 31. In § 20.2104, revise paragraphs (b) and (e)(2) to read as follows:

§ 20.2104 Determination of prior occupational dose.

* * * * *

(b) Prior to permitting an individual to participate in a planned occupational dose limit extension or a planned special exposure, the licensee shall determine—

(1) For a planned occupational dose limit extension—

(i) Prior occupational doses during the current year and the preceding four years that correspond to the applicable limits in § 20.1205(d) for each individual involved.

(2) For a planned special exposure—

(i) The internal and external doses from all previous planned special exposures; and

(ii) All doses in excess of the limits (including doses received during accidents and emergencies) received during the lifetime of the individual.

* * * * *

(e) * * *

(2) That the individual is not available for planned occupational dose limit extensions, if records for the current year and the preceding four years are not complete, and planned special exposures.

* * * * *

■ 32. In § 20.2105:

■ a. Revise the section heading and paragraphs (a)(5) and (6);

■ b. Redesignate paragraph (b) as paragraph (c); and

■ c. Add a new paragraph (b).

The revisions and addition read as follows:

§ 20.2105 Records of planned occupational dose limit extensions and planned special exposures.

(a) * * *

(1) * * *

(5) How doses were managed; and

(6) The doses received by individuals involved in the planned special exposure.

(b) For each use of the provisions of § 20.1205 for planned occupational dose limit extensions, the licensee shall maintain records that describe the circumstances requiring the extension of occupational dose limits, how doses were managed, and the doses received by individuals involved in the planned occupational dose limit extension.

■ 33. In § 20.2106, revise paragraph (a) introductory text and paragraphs (a)(5) through (7) to read as follows:

§ 20.2106 Records of individual monitoring results.

(a) *Recordkeeping requirement.* Each licensee shall maintain records of doses received by individuals for whom monitoring was required pursuant to § 20.1502 and records of doses received during planned occupational dose limit extensions, planned special exposures, accidents, and emergency conditions. These records [5] must include, when applicable—

(1) * * *

(5) The total effective dose equivalent when required by § 20.1202;

(6) The total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose; and

(7) In cases where monitoring was required pursuant to § 20.1502, but the dose received did not exceed 10 percent of the applicable monitoring criteria, the licensee may, instead of recording the numerical value of the dose received, annotate that an occupational dose was received but did not exceed the criteria for recording.

* * * * *

[5] Assessments of dose equivalent and records made using units in effect before the licensee's adoption of this part need not be changed.

■ 34. In § 20.2107, add paragraphs (c) and (d) to read as follows:

§ 20.2107 Records of dose to individual members of the public.

* * * * *

(c) The licensee shall retain a record of the justification for the dose received by a caregiver as described in § 20.1301(c)(1)(ii).

(d) The licensee shall retain the records required by paragraph (c) of this section for 3 years after the final date of the allowed exposure.

■ 35. In § 20.2202, revise paragraph (e) to read as follows:

§ 20.2202 Notification of incidents.

* * * * *

(e) The provisions of this section do not include doses that result from planned occupational dose limit extensions or from planned special exposures that are within the limits for planned special exposures, and that are reported under § 20.2204.

■ 36. In § 20.2203:

■ a. revise and republish paragraph (a)(2) and

■ b. remove the text ''ALARA'' from paragraph (b)(iv).

The revision reads as follows:

§ 20.2203 Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits.

(a) * * *

(1) * * *

(2) Doses in excess of any of the following:

(i) The occupational dose limits for adults in § 20.1201 unless they are exceeded pursuant to § 20.1205 or § 20.1206; except that reporting of unplanned exceedances of the limit in 20.1201(a)(1)(i) is required only if the total effective dose equivalent for the current year and the preceding four years exceeds 25 rem; or

(ii) The occupational dose limits for a minor in § 20.1207; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in § 20.1208; or

(iv) The limits for an individual member of the public in § 20.1301, except that reporting of exceedances of the limit in § 20.1301(a) is required only if the total dose to a single individual for the current year and the preceding four years exceeds 500 mrem; or

(v) Any applicable limit in the license; or

(vi) The constraints for air emissions established under § 20.1101(d); or

(vii) The applicable dose limit for a planned occupational dose limit extension in § 20.1205(c); or

(viii) The applicable dose limit for a planned special exposure in § 20.1206(e); or

* * * * *

■ 37. In appendix G to 10 CFR part 20:

■ a. Revise and republish the introductory paragraphs to Section I; add a definition for ''Carrier''; remove the definition for ''Computer readable medium''; and revise the definitions for ''EPA identification number'', ''High integrity container'', ''NRC Forms 540, 540A, 541, 541A, 542, and 542A'', ''Shipping paper'', and ''Uniform Low-Level Radioactive Waste Manifest or uniform manifest'';

■ b. Revise paragraph III.A.6, paragraph III.B.4, paragraph III.C.7, and paragraph III.D.2.; and

■ c. Amend paragraph III.E.1. to remove the text ''or receipt'' and add, in its place, ''of receipt''.

The revisions read as follows:

Appendix G to Part 20—Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests

I. Manifest

A waste generator, collector, or processor who transports, or offers for transportation, low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a Manifest (OMB Control Numbers 3150–0164,-0165, and-0166) reflecting information requested on applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). The Manifest does not need to use these NRC Forms themselves as long as the Manifest reflects the information requested on the applicable NRC Forms. References to NRC Forms 540, 540A, 541, 541A, 542, and 542A in this appendix refer to either the NRC Form(s) or any other document(s) reflecting the information requested on the NRC Form(s) (*e.g.,* licensee-generated versions of the NRC Forms).

Upon agreement between shipper and consignee, NRC Forms 540 and 540A, 541 and 541A, and 542 and 542A may be completed, signed, transmitted, and stored in electronic media with the capability for producing legible, accurate, and complete records on the respective forms. NRC Forms 540 and 540A must be transmitted to the carrier in accordance with regulations of the Department of Transportation (DOT).

Licensees are not required by NRC to comply with the manifesting requirements of this part when they ship:

(a) LLW for processing and expect its return (*i.e.,* for storage under their license) prior to disposal at a licensed land disposal facility;

(b) LLW that is being returned to the licensee who is the ''waste generator'' or ''generator,'' as defined in this part; or

(c) Radioactively contaminated material to a ''waste processor'' that becomes the processor's ''residual waste.''

For guidance in completing these forms, refer to the instructions that accompany the forms. Copies of manifests required by this appendix may be legible carbon copies, photocopies, computer printouts, or electronic copies that reproduce the data of the uniform manifest.

NRC Forms 540, 540A, 541, 541A, 542 and 542A, and the accompanying instructions, in hard copy, may be obtained by writing or calling the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–5877, or by visiting the NRC's website at *http://www.nrc.gov* and selecting forms from the index found on the home page.

This appendix includes information requirements of the DOT, as codified in 49 CFR parts 172, 174, 175, 176, and 177. Information on hazardous, medical, or other waste, required to meet Environmental Protection Agency (EPA) regulations, as codified in 40 CFR parts 259, 261, or elsewhere, is not addressed in this section. However, any forms required by the EPA must accompany the Uniform Low-Level Radioactive Waste Manifest required by this chapter.

As used in this appendix, the following definitions apply:

Carrier means a person who transports passengers or property in commerce by rail car, aircraft, motor vehicle, or vessel.

* * * * *

EPA identification number means the number received by a carrier following application to the Administrator of EPA as required by 40 CFR part 263.

* * * * *

High integrity container (HIC) means a container commonly designed to meet the structural stability requirements of § 61.56 of this chapter, and to meet DOT requirements for a Type A package.

* * * * *

NRC Forms 540, 540A, 541, 541A, 542, and 542A mean either the NRC Form(s) or any other document(s) reflecting the information requested on the NRC Form(s) (*e.g.,* licensee-generated or Agreement State-generated versions of the NRC Forms).

* * * * *

Shipping paper means NRC Form 540 and, if required, NRC Form 540A which includes the information required by DOT regulations.

* * * * *

Uniform Low-Level Radioactive Waste Manifest or uniform manifest means the combination of NRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed.

* * * * *

III. Control and Tracking

A. * * *

6. If required by regulations of the DOT, physically include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph A.5 of this section;

* * * * *

B. * * *

4. If required by regulations of the DOT, physically include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph B.3 of this section;

* * * * *

C. * * *

7. If required by regulations of the DOT, physically include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph C.6 of this section;

* * * * *

D. * * *

2. Maintain copies of or electronically store all completed manifests and electronically store the information required by 10 CFR 61.80(l) until the Commission terminates the license; and

* * * * *

■ 38. Add new appendix H to part 20 to read as follows:

Appendix H to Part 20—Alternative Dosimetry Methods Acceptable for Use To Demonstrate Compliance With NRC's Standards for Protection Against Radiation

(a) *Material incorporated by reference.* The material listed in this appendix for developing alternative dosimetry methods is incorporated by reference into § 20.1010 with the approval of the Director of the Office of the Federal Register under 5 U.S.C. 552(a) 1 CFR part 51. All approved material is available for inspection at the Nuclear Regulatory Commission (NRC) and at the National Archives Records Administration (NARA). Contact the NRC at NRC Technical Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* For information on the availability of this material at NARA, visit *https://www.archives.gov/federal-register/cfr/ibr-locations.html* or email *fr.inspection@nara.gov.* The material may also be obtained from the following sources:

(1) *American National Standards Institute/American Nuclear Society (ANSI/ANS),* ATTN Standards, 555 N Kensington Avenue, La Grange Park, IL 60526; *https://webstore.ansi.org/.*

(i) ANSI/ANS–6.1.1–2020, ''Photon and Neutron Fluence-to-Dose Conversion Coefficients.'' IBR approved for § 20.1010(a).

(ii) Reserved

(2) *International Commission on Radiological Protection (ICRP),* 350 Albert Street Suite 410, Ottawa, Ontario, K1R 1A4, Canada; *https://www.icrp.org/index.asp.*

(i) ICRP Publication 56—ICRP, 1990. ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 1.'' ICRP Publication 56. Ann. ICRP 20 (2). IBR approved for § 20.1010(a).

(ii) ICRP Publication 67—ICRP, 1993. ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 2 Ingestion Dose Coefficients.'' ICRP Publication 67. Ann. ICRP 23 (3–4). IBR approved for § 20.1010(a).

(iii) ICRP Publication 68—ICRP, 1994. ''Dose Coefficients for Intakes of Radionuclides by Workers.'' ICRP Publication 68. Ann. ICRP 24 (4). IBR approved for § 20.1010(a).

(iv) ICRP Publication 69—ICRP, 1995. ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 3 Ingestion Dose Coefficients.'' ICRP Publication 69. Ann. ICRP 25 (1). IBR approved for § 20.1010(a).

(v) ICRP Publication 71—ICRP, 1995. ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 4 Inhalation Dose Coefficients.'' ICRP Publication 71. Ann. ICRP 25 (3–4). IBR approved for § 20.1010(a).

(vi) ICRP Publication 72—ICRP, 1995. ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 5 Compilation of Ingestion and Inhalation Coefficients.'' ICRP Publication 72. Ann. ICRP 26 (1). IBR approved for § 20.1010(a).

(vii) ICRP Publication 116—ICRP, 2010. ''Conversion Coefficients for Radiological Protection Quantities for External Radiation Exposures.'' ICRP Publication 116. Ann. ICRP 40(2–5). IBR approved for § 20.1010(a).

(viii) ICRP Publication 130—ICRP, 2015. ''Occupational Intakes of Radionuclides: Part 1.'' ICRP Publication 130. Ann. ICRP 44(2). IBR approved for § 20.1010(a).

(ix) ICRP Publication 134—ICRP, 2016. ''Occupational Intakes of Radionuclides: Part 2.'' ICRP Publication 134. Ann. ICRP 45(¾), 1–352. IBR approved for § 20.1010(a).

(x) ICRP Publication 137—ICRP, 2017. ''Occupational Intakes of Radionuclides: Part 3.'' ICRP Publication 137. Ann. ICRP 46(¾). IBR approved for § 20.1010(a).

(xi) ICRP Publication 141—ICRP, 2019. ''Occupational Intakes of Radionuclides: Part 4.'' ICRP Publication 141. Ann. ICRP 48(⅔). IBR approved for § 20.1010(a).

(xii) ICRP Publication 144—ICRP, 2020. ''Dose Coefficients for External Exposures to Environmental Sources.'' ICRP Publication 144. Ann. ICRP 49(2). IBR approved for § 20.1010(a).

(xiii) ICRP Publication 151—ICRP, 2022. ''Occupational Intakes of Radionuclides: Part 5.'' ICRP Publication 151. Ann. ICRP 51(1–2). IBR approved for § 20.1010(a).

(b) *Conditions.* Per § 20.1010(a), unless otherwise approved by the NRC, alternative dosimetry methods must be consistent with one or more of the standards listed in paragraph (a), subject to the following conditions:

(1) *American National Standards Institute/American Nuclear Society* (*ANSI/ANS*)—

(i) ANSI/ANS–6.1.1–2020—No conditions.

(2) *International Commission on Radiological Protection (ICRP)*—

(i) ICRP Publication 56—Only the following sections may be used as alternative dosimetry methods: Glossary, Section I Chapters 1–3, Section II Chapters 1–12, and Annexes A–B.

(ii) ICRP Publication 67—Only the following sections may be used as alternative dosimetry methods: Glossary, Introduction, Computation of Age-Dependent Effective Dose Coefficients, Chapters 1–13, and Appendices A–C.

(iii) ICRP Publication 68—Only the following sections may be used as alternative dosimetry methods: Glossary, Chapters 1–6 and 8, and Annexes A–F.

(iv) ICRP Publication 69—Only the following sections may be used as alternative dosimetry methods: Glossary, Introduction, Computation of Age-Dependent Effective Dose Coefficients, and Chapters 1–5.

(v) ICRP Publication 71—Only the following sections may be used as alternative dosimetry methods: Glossary, Chapters 1–5, and Annexes A–D.

(vi) ICRP Publication 72—Only the following sections may be used as alternative dosimetry methods: Glossary, Chapters 1–5, and Annexes A–B.

(vii) ICRP Publication 116—Only the following sections may be used as alternative dosimetry methods: Chapters 1–5, Annexes A–J, and Supplementary Material.

(viii) ICRP Publication 130—Only the following sections may be used as alternative dosimetry methods: Glossary, Chapter 1, Chapter 3, Section 6.5, and Chapter 7.

(ix) ICRP Publication 134—Only the following sections may be used as alternative dosimetry methods: Chapters 1–15.

(x) ICRP Publication 137—Only the following sections may be used as alternative dosimetry methods: Chapters 1–15, Annex A.

(xi) ICRP Publication 141—Only the following sections may be used as alternative dosimetry methods: Chapters 1–28.

(xii) ICRP Publication 144—Only the following sections may be used as alternative dosimetry methods: Chapters 2–9, Annexes A–C, and Supplementary Material.

(xiii) ICRP Publication 151—Only the following sections may be used as alternative dosimetry methods: Chapters 1–39, Annexes A–B.

PART 34—LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

■ 39. The authority citation for part 34 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

§ 34.3 [Amended].

■ 40. In § 34.3, the definition for ''ALARA'' is removed.

§ 34.42 [Amended].

■ 41. In § 34.42, remove paragraphs (c) and (d).

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

■ 42. The authority citation for part 35 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

■ 43. In § 35.2, add in alphabetical order definitions for ''Administration regimen'' and ''Caregiver''.

§ 35.2 Definitions.

* * * * *

Administration regimen means the course of administrations of a given radiopharmaceutical or brachytherapy source as intended by the authorized user.

* * * * *

Caregiver means an adult who provides the patient with support or comfort for non-commercial gains following administration of byproduct material.

* * * * *

■ 44. Revise and republish § 35.75 to read as follows:

§ 35.75 Release of individuals containing byproduct material.

(a) A licensee shall develop, implement, and maintain a written procedure to authorize release in accordance with paragraphs (b) and (c) of this section.

(b) A licensee may authorize the release from its control of any individual who has been administered byproduct material if—

(1) the licensee has written consent from the released individual or, as necessary, the released individual's parent or guardian, and, if applicable, the released individual's caregiver; and in situations involving a caregiver, the released individual or, as necessary, the released individual's parent or guardian, and the released individual's caregiver have been instructed on the radiation risks to the caregiver and methods to manage exposure to the caregiver if the total effective dose equivalent to the caregiver is likely to exceed 5 mSv (0.5 rem) and is not likely to exceed 50 mSv (5 rem) per patient administration regimen.

(2) the total effective dose equivalent to any other individual who is not a caregiver from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem) per patient administration regimen.[1]

(c) A licensee shall provide the released individual or, as necessary, the released individual's parent or guardian,

with instructions, including written instructions, on actions recommended to reduce contamination and maintain doses to other individuals below the limits in paragraphs (b)(1) and (b)(2) of this section if the total effective dose equivalent to any other individual, including a caregiver, is likely to exceed 1 mSv (0.1 rem). If the total effective dose equivalent to a nursing infant or child could exceed 1 mSv (0.1 rem) assuming there were no interruption of breast-feeding, the instructions must also include—

(1) Guidance on the interruption or discontinuation of breast-feeding; and

(2) Information on the potential consequences, if any, of failure to follow the guidance.

(d) A licensee shall maintain a record of the written procedure(s) used for authorizing the release of individuals containing byproduct material in accordance with § 35.2075(a).

[1] The current revision of Regulatory Guide 8.39, ''Release of Patients Administered Radioactive Material,'' describes methods for calculating doses to caregivers and other individuals.

■ 45. Revise and republish § 35.2075 to read as follows:

§ 35.2075 Records of procedures used for release of individuals containing byproduct material.

(a) A licensee shall retain a copy of the procedure(s) required by § 35.75(a) for the duration of the license.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 46. The authority citation for part 40 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 62, 63, 64, 65, 69, 81, 83, 84, 122, 161, 181, 182, 183, 184, 186, 187, 193, 223, 234, 274, 275 (42 U.S.C. 2092, 2093, 2094, 2095, 2099, 2111, 2113, 2114, 2152, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914); 44 U.S.C. 3504 note.

■ 47. Amend Appendix A to 10 CFR part 40:

■ a. In the Introduction, revise the first and fifth paragraphs;

■ b. In Section I, Technical Criteria, Criterion 6, paragraph (6), revise the undesignated second paragraph; and

■ c. In Section I, Technical Criteria, Criterion 8, revise the first paragraph.

The revisions read as follows:

Appendix A to Part 40—Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content

Introduction. Every applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or byproduct material at sites formerly associated with such milling, is required by the provisions of § 40.31(h) to include in a license application proposed specifications relating to milling operations and the disposition of tailings or wastes resulting from such milling activities. This appendix establishes technical, financial, ownership, and long-term site surveillance criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located. As used in this appendix, the term ''as low as is reasonably achievable'' has the same meaning as in 40 CFR part 192.

* * * * *

All site specific licensing decisions based on the criteria in this appendix or alternatives proposed by licensees or applicants will take into account the risk to the public health and safety and the environment with due consideration to the economic costs involved and any other factors the Commission determines to be appropriate. In implementing this appendix, the Commission will consider ''practicable'' and ''reasonably achievable'' as equivalent terms. Decisions involving these terms will take into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest.

* * * * *

I. Technical Criteria

* * * * *

Criterion 6—

(6) * * *

Byproduct material containing concentrations of radionuclides other than radium in soil, and surface activity on remaining structures, must not result in a total effective dose equivalent (TEDE) exceeding the dose from cleanup of radium contaminated soil to the above standard (benchmark dose). If more than one residual radionuclide is present in the same 100-square-meter area, the sum of the ratios for each radionuclide of concentration present to the concentration limit will not exceed ''1'' (unity). A calculation of the potential peak annual TEDE within 1000 years to the average member of the critical group that would result from applying the radium standard (not including radon) on the site must be submitted for approval. The use of decommissioning plans with benchmark doses that exceed 100 mrem/yr requires the approval of the Commission after consideration of the recommendation of the NRC staff. This requirement for dose criteria does not apply to sites that have decommissioning plans for soil and structures approved before June 11, 1999.

* * * * *

Criterion 8—Milling operations must be conducted so that all airborne effluent releases are managed primarily by use of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are managed to the extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments of uranium or thorium byproduct materials must be managed to the extent reasonably achievable.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 48. The authority citation for part 50 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

■ 49. In § 50.34, revise paragraphs (a)(1)(ii)(D)(*1*) and (*2*), and paragraph (f)(2)(xv) to read as follows:

§ 50.34 Contents of applications; technical information.

(a) * * *

(1) * * *

(ii) * * *

(D) * * *

(*1*) An individual located at any point on the boundary of the exclusion area for any 2-hour period following the onset of the postulated fission product release, would not receive a radiation dose in excess of 25 rem [4] total effective dose equivalent (TEDE), or total effective dose (TED), as applicable.

(*2*) An individual located at any point on the outer boundary of the low

population zone, who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage) would not receive a radiation dose in excess of 25 rem total effective dose equivalent (TEDE), or total effective dose (TED), as applicable.

* * * * *

* * * * *

(f) * * *

(2) * * *

(xv) Provide a capability for containment purging/venting designed to minimize the purging time in consideration of the occupational dose limits set forth in part 20 of this chapter. Provide and demonstrate high assurance that the purge system will reliably isolate under accident conditions. (II.E.4.4)

* * * * *

[4] A whole body dose of 25 rem has been stated to correspond numerically to the once in a lifetime accidental or emergency dose for radiation workers which, according to NCRP recommendations at the time could be disregarded in the determination of their radiation exposure status (see NBS Handbook 69 dated June 5, 1959). However, its use is not intended to imply that this number constitutes an acceptable limit for an emergency dose to the public under accident conditions. Rather, this dose value has been set forth in this section as a reference value, which can be used in the evaluation of plant design features with respect to postulated reactor accidents, in order to assure that such designs provide assurance of low risk of public exposure to radiation, in the event of such accidents.

* * * * *

■ 50. In § 50.34a, revise paragraphs (a), (d)(1), and (e)(1) to read as follows:

§ 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors.

(a) An application for a construction permit shall include a description of the preliminary design of equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal reactor operations, including anticipated operational occurrences. In addition to the information required under paragraph (b) of this section, the application shall identify the design objectives, and the means to be employed, for adequate control of radioactive materials in effluents to unrestricted areas.[1] The guides set out in appendix I to this part provide acceptable design objectives; alternative design objectives approved by the NRC are also acceptable. The guides in appendix I are not to be construed as radiation protection standards.

(d) * * *

(1) A description of the equipment and procedures for the control of gaseous and liquid effluents and for the maintenance and use of equipment installed in radioactive waste systems, under paragraph (a) of this section, and the design objectives, and the means to be employed, for adequate control of radioactive materials in effluents to unrestricted areas; [1] and

(e) * * *

(1) A description of the equipment for the control of gaseous and liquid effluents and for the maintenance and use of equipment installed in radioactive waste systems, under paragraph (a) of this section, and the design objectives, and the means to be employed, for adequate control of radioactive materials in effluents to unrestricted areas;[1] and

* * * * *

[1] In the case of an application filed before [EFFECTIVE DATE OF FINAL RULE], the application may instead identify the design objectives, and the means to be employed, that are based on keeping levels of radioactive materials in effluents to unrestricted areas as low as is reasonably achievable. The term ''as low as is reasonably achievable'' as used in this footnote means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the use of atomic energy in the public interest. The guides set out in Sections I through V of appendix I to this part provide acceptable design objectives for this approach.

■ 51. Revise and republish § 50.36a to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) To maintain adequate control of releases of radioactive materials to unrestricted areas during normal conditions, including anticipated operational occurrences, each license authorizing operation of a nuclear power reactor and each application for a design certification or a manufacturing license will include technical specifications that, in addition to requiring compliance with applicable provisions of § 20.1301 of this chapter, require that:

(1) Operating procedures developed pursuant to § 50.34a(c)(1) for the control of effluents be established and followed and that the equipment installed in radioactive waste systems, pursuant to § 50.34a(c)(1), be maintained and used. The licensee shall retain the operating procedures in effect as a record until the Commission terminates the license and shall retain each superseded revision of the procedures for 3 years from the date it was superseded.

(2) The holder of either an operating license under this part or a combined license under part 52 after the Commission has made the finding under § 52.103(g) of this chapter for a nuclear power reactor using the technical specifications must develop and maintain a report, or reports, that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents and the results of the surveillance and monitoring program required by paragraph (a)(3) during the previous 12 months. The time between the development of the reports must be no longer than 12 months. The report, or reports, must include any information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases, or to independently verify results. The report, or reports, must be maintained as records as specified in § 50.71(c). The technical specifications required by paragraph (a) of this section shall include requirements for when such a report, or reports, must be submitted to the Commission as specified in § 50.4. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

(3) Each licensee subject to paragraph (a)(2) of this section must establish an appropriate surveillance and monitoring program to:

(i) Provide data on quantities of radioactive material released in liquid and gaseous effluents to assure that the provisions of paragraph (a) of this section are met;

(ii) Provide data on measurable levels of radiation and radioactive materials in the environment to evaluate the relationship between quantities of radioactive material released in effluents and resultant radiation doses to individuals from principal pathways of exposure; and

(iii) Identify changes in the use of unrestricted areas (*e.g.,* for agricultural purposes) sufficient to evaluate the effectiveness of and enable modifications, if necessary, to monitoring programs for evaluating doses to individuals from principal pathways of exposure.

(b) In establishing and implementing the technical specifications described in paragraph (a) of this section, the licensee shall include limiting conditions for operation such that adequate opportunity is available for

licensee action and NRC notification prior to exceeding applicable limits. The guides set out in appendix I to this part provide one acceptable approach for meeting the requirements of this paragraph; alternative approaches approved by the NRC are also acceptable.

(c) If the data collected by the surveillance and monitoring program described in paragraph (a)(3) of this section or by other monitoring programs show that the relationship between the quantities of radioactive material released in liquid and gaseous effluents and the dose to individuals in unrestricted areas is significantly different from that assumed in the calculations used to determine design objectives pursuant to § 50.34a, the Commission may modify the quantities in the technical specifications defining the limiting conditions in a license to operate a nuclear power reactor or a license whose holder has submitted a certification of permanent cessation of operations under § 50.82(a)(1).

■ 52. In § 50.66, revise paragraph (b)(1)(iii) to read as follows.

§ 50.66 Requirements for thermal annealing of the reactor pressure vessel.

* * * * *

(b) * * *

(1) * * *

(iii) The methods, including heat source, instrumentation and procedures proposed for performing the thermal annealing. This shall include any special precautions necessary to maintain occupational exposure within the limits set forth in part 20 of this chapter.

* * * * *

■ 53. In Appendix I to part 50:

■ a. Revise the title of Appendix I;

■ b. In Section IV, revise paragraph C; and

■ c. Add Section VI.

The revisions and addition read as follows:

Appendix I to Part 50—Acceptable Design Objectives and Limiting Conditions for Operation To Maintain Adequate Control of Radioactive Material in Nuclear Power Reactor Effluents

* * * * *

Section IV

* * * * *

C. If the data collected by the surveillance and monitoring program described in paragraph B of Section III or by other monitoring programs show that the relationship between the quantities of radioactive material released in liquid and gaseous effluents and the dose to individuals in unrestricted areas is significantly different from that assumed in the calculations used to determine design objectives pursuant to Sections II and III, the Commission may modify the quantities in the technical specifications defining the limiting conditions in a license to operate a light-water-cooled nuclear power reactor or a license whose holder has submitted a certification of permanent cessation of operations under § 50.82(a)(1) or § 52.110.

* * * * *

Section VI. *Alternative acceptable design objectives and limiting conditions for operation to maintain adequate control of radioactive material in nuclear power reactor effluents.*

This section provides an alternative acceptable to the NRC to the approach described in Sections I–V of this appendix for establishing technical specifications under § 50.36a to maintain adequate control of releases of radioactive materials to unrestricted areas during normal conditions, including anticipated operational occurrences.

A. The design objective for adequate control of radioactive material in effluents is that the calculated total quantity of all radioactive material above background to be released from each nuclear power reactor to the unrestricted area will not result in an estimated total effective dose equivalent, or total effective dose, as applicable, of more than 25 mrem per year.

B.

1. Licensees may use the methods described in Section III and associated guidance to demonstrate conformity with the design objective of Section VI.A. Alternatively, licensees may use the guides in Section VI.C to demonstrate conformity with the design objective of Section VI.A.

2. In demonstrating conformity with the design objective of Section VI.A, a licensee may use alternative dosimetry methods as described in § 20.1010.

3. In establishing technical specifications pursuant to § 50.36a, licensees can use administrative controls per § 50.36(c)(5) to describe general aspects of the program to maintain adequate control of releases of radioactive materials to unrestricted areas during normal conditions, including anticipated operational occurrence, and to describe implementation of the recordkeeping and reporting requirements of § 50.36a(a)(2). Additional details, including controls for specific equipment, applicability statements, actions, and surveillance requirements can be maintained in licensee-controlled documents whose configuration would be managed with an administrative control per § 50.36(c)(5).

C. The guides on technical specifications for limiting conditions for operation or administrative controls for nuclear power reactors set forth below may be used by an applicant for an operating license under this part or a design certification, manufacturing license or combined license under part 52 of this chapter, or by a licensee who has submitted a certification of permanent cessation of operations under § 50.82(a)(1) or § 52.110 of this chapter, as guidance in developing technical specifications pursuant to § 50.36a(a) to adequately control releases of radioactive materials in effluents to unrestricted areas.

1. If the quantity of radioactive material actually released in effluents to unrestricted areas from a nuclear power reactor during any calendar quarter is such that the resulting radiation exposure, calculated on the same basis as the respective design objective exposure, would exceed one-half the design objective in Section VI.A, the holder of an operating license or combined license shall:

(a) Make an investigation to identify the causes for such release rates;

(b) Define and initiate a program of corrective action; and

(c) Record these actions in the appropriate annual report that is required by § 50.36a(a)(2).

2. If the quantity of radioactive material actually released in effluents to unrestricted areas from a nuclear power reactor during any calendar quarter is such that the resulting radiation exposure, calculated on the same basis as the respective design objective exposure, would exceed the design objective in Section VI.A, the licensee shall complete the actions of paragraph VI.C.1 and submit the annual report that is required by § 50.36a(a)(2) to the Commission at the conclusion of the monitored year as specified in § 50.4. The licensee shall continue to submit annual reports to the Commission until the report after conformity with the design objective of Section VI.A is restored.

3. The surveillance and monitoring program required by § 50.36a(a)(3) shall include administrative controls that:

(a) Provide data and controls on the quantities of radioactive material released in liquid and gaseous effluents to assure that the design objective of Section VI.A is met;

(b) Provide data on measurable levels of radiation and radioactive materials in the environment to evaluate the relationship between quantities of radioactive material released in effluents and resultant radiation doses to individuals from principal pathways of exposure; and

(c) Identify changes in the use of unrestricted areas (*e.g.,* for agricultural purposes) to permit modifications in monitoring programs for evaluating doses to individuals from principal pathways of exposure.

(d) Ensure proper use and maintenance of equipment used to monitor and control releases of radioactive materials to unrestricted areas during normal conditions, including anticipated operational occurrences.

4. If the data developed in the surveillance and monitoring program described in § 50.36a(a)(3) or from other monitoring programs show that the relationship between the quantities of radioactive material released in liquid and gaseous effluents and the dose to individuals in unrestricted areas is significantly different from that assumed in the calculations used to determine design objectives pursuant to Section VI.A, the Commission may modify the quantities in the technical specifications defining the limiting conditions in a license to operate a nuclear power reactor or a license whose holder has submitted a certification of permanent cessation of operations under § 50.82(a)(1).

PART 53—RISK–INFORMED, TECHNOLOGY–INCLUSIVE REGULATORY FRAMEWORK FOR ADVANCED REACTORS

■ 54. The authority citation for part 53 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115–439, 132 Stat. 5571.

■ 55. In § 53.210, revise paragraphs (a) and (b) and footnote 1 to read as follows:

§ 53.210 Safety criteria for design-basis accidents.

* * * * *

(a) An individual located at any point on the boundary of the exclusion area for any 2-hour period following the onset of the postulated fission product release would not receive a radiation dose in excess of 25 rem (250 millisieverts) total effective dose equivalent (TEDE), or total effective dose (TED), as applicable; and

(b) An individual located at any point on the outer boundary of the low-population zone who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage) would not receive a radiation dose in excess of 25 rem (250millisieverts) TEDE, or TED, as applicable.[1]

[1] The use of 25 rem is not intended to imply that this number constitutes an acceptable limit for an emergency dose to the public under accident conditions. Rather, this dose value has been set forth in this section as a reference value, which can be used in the evaluation of plant design features with respect to postulated reactor accidents, to assure that these designs provide assurance of low risk of public exposure to radiation, in the event of an accident.

■ 56. In § 53.530, revise paragraphs (a)(1) and (2) to read as follows:

§ 53.530 Population-related considerations.

* * * * *

(a) * * *

(1) An individual located at any point on the boundary of the exclusion area for any 2-hour period following the onset of the postulated fission product release would not receive a radiation dose in excess of 25 rem (250 millisieverts) total effective dose equivalent, or total effective dose, as applicable.

(2) An individual located at any point on the outer boundary of the low-population zone who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage) would not receive a radiation dose in excess of 25 rem (250 millisieverts) total effective dose equivalent, or total effective dose, as applicable.

* * * * *

■ 57. In § 53.850, revise paragraphs (a) and (b)(2) to read as follows:

§ 53.850 Radiation protection.

(a) Each holder of an OL or COL under this part must develop, implement, and maintain a Radiation Protection Program for operations that is commensurate with the scope and extent of licensed activities under this part and includes measures for controlling and monitoring radioactive plant effluents and controlling and monitoring the dose to individuals working with radioactive materials in accordance with 10 CFR part 20 of this chapter.

(b) * * *

(2) Contain the radioactive effluent controls and radiological environmental monitoring activities, and descriptions of the information that should be included in the report, or reports, required by § 53.1645.

* * * * *

■ 58. In § 53.1645, revise paragraph (a) and remove and reserve paragraph (b) to read as follows:

§ 53.1645 Reports of radiation exposure to members of the public.

(a) Each holder of an OL, and each holder of a COL after the Commission has made the finding under § 53.1452(g), must develop and maintain a report, or reports, that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents and the results of the control and monitoring program required by §§ 53.850(a) and 53.850(b) during the previous 12 months. The time between the development of the reports must be no longer than 12 months. The report, or reports, must include any information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases, or to independently verify results. The report, or reports, must be maintained as records as specified in § 53.1620. The program required by §§ 53.850(a) and 53.850(b) shall include requirements for when such a report, or reports, must be submitted to the Commission as specified in § 53.040. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

(b) [Reserved].

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

■ 59. The authority citation for part 61 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 81, 161, 181,182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2231, 2232,2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C.5841, 5846, 5851); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec.2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

§ 61.41 [Amended].

■ 60. In § 61.41 the last sentence is removed.

§ 61.43 [Amended].

■ 61. In § 61.43, the last sentence is removed.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

■ 62. The authority citation for part 71 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 180 (42 U.S.C. 10175); 44 U.S.C. 3504 note.

Section 71.97 also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 63. In § 71.87, revise paragraph (i) to read as follows:

§ 71.87 Routine determinations.

* * * * *

(i) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is within the limits specified in DOT regulations in 49 CFR 173.443;

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH–LEVEL RADIOACTIVE WASTE, AND REACTOR–RELATED GREATER THAN CLASS C WASTE

■ 64. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

§ 72.3 [Amended]

■ 65. In § 72.3, the definition for ''As low as is reasonably achievable (ALARA)'' is removed.

■ 66. In § 72.24, revise paragraph (e) and paragraph (l) introductory text to read as follows:

§ 72.24 Contents of application: Technical information

* * * * *

(e) The means for maintaining occupational radiation exposures within the limits given in part 20 of this chapter.

* * * * *

(l) A description of the equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal operations and expected operational occurrences. The description must identify the design objectives and the means to be used for keeping levels of radioactive material in effluents to the environment within the exposure criteria stated in § 72.104. The description must include:

* * * * *

■ 67. In § 72.44, revise paragraph (d) introductory text and paragraph (d)(3) to read as follows:

§ 72.44 License conditions.

* * * * *

(d) Each license authorizing the receipt, handling, and storage of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste under this part must include technical specifications that, in addition to stating the limits on the release of radioactive materials for compliance with limits of part 20 of this chapter, require:

* * * * *

(3) An annual report, or reports, be developed and maintained specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months. The time between the development of the reports must be no longer than 12 months. The report, or reports, must include any information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases, or to independently verify results. The report, or reports, must be maintained as records until termination of the license. The technical specifications required by paragraph (d) of this section shall include requirements for when such a report, or reports, must be submitted to the Commission as specified in § 72.4. On the basis of these reports and any additional information that the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

* * * * *

■ 68. In § 72.104, revise paragraphs (b) and (c) and add (d) to read as follows:

§ 72.104 Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.

* * * * *

(b) Operational restrictions must be established to meet direct radiation levels associated with ISFSI or MRS operations.

(c) Operational restrictions must be established for radioactive materials in effluents and direct radiation levels associated with ISFSI or MRS operations to meet the criteria given in paragraph (a) of this section.

(d) Licensees may use alternative dosimetry methods, per § 20.1010 of this chapter, to demonstrate compliance with criteria that are equivalent to the criteria given in paragraph (a) of this section. In these cases, the applicable criterion is 0.25 mSv (25 mrem) total effective dose equivalent, or total effective dose, as applicable.

■ 69. In § 72.126, revise paragraph (d) to read as follows:

§ 72.126 Criteria for radiological protection.

* * * * *

(d) *Effluent control.* The ISFSI or MRS must be designed to provide means for managing the release of radioactive materials in effluents during normal operations and controlling the release of radioactive materials under accident conditions. Analyses must be made to show that releases to the general environment during normal operations and anticipated occurrences will be within the exposure criteria given in § 72.104. Analyses of design basis accidents must be made to show that releases to the general environment will be within the exposure criteria given in § 72.106. Systems designed to monitor the release of radioactive materials must have means for calibration and testing their operability.

Dated: July 13, 2026.

For the Nuclear Regulatory Commission.

Jody Martin,

Secretary of the Commission.

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The President

Proclamation 11040—Adjusting Imports of Commercial Aircraft, Jet Engines, and Aircraft and Engine Parts Into the United States

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Presidential Documents

Title 3—

The President

Proclamation 11040 of July 9, 2026

Adjusting Imports of Commercial Aircraft, Jet Engines, and Aircraft and Engine Parts Into the United States

By the President of the United States of America

A Proclamation

1. Within the past 90 days, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effects of imports of commercial aircraft, jet engines, and their associated parts on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (section 232). Based on the facts considered in that investigation, and taking into account the close relation of the economic welfare of the Nation to our national security and other relevant factors, *see* 19 U.S.C. 1862(d), the Secretary found and advised me of his opinion that commercial aircraft, jet engines, and their associated parts are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. Among other things, the Secretary found that commercial aircraft, jet engines, and their associated parts are essential to the national security and economy of the United States. Such products and their related industries provide critical functions for a variety of key sectors of the United States, including defense, cargo, transportation, and tourism. The United States commercial aircraft manufacturing and industrial base not only supports national defense requirements but also is an important driver of United States economic activity and well-paying American jobs.

3. For example, the United States Government uses large commercial aircraft—and military aircraft, engines, and parts derived from commercial variants—to perform certain military operations, respond to emergencies, conduct official travel, and transport cargo and troops to advance national security objectives. Commercial aircraft operated by commercial carriers support national defense requirements by providing air transportation and operational support services to the Department of War (DoW), including Service Component Commands of the United States Transportation Command: Air Mobility Command, Military Sealift Command, and United States Army Transportation Command. Further, the manufacturing and industrial base for commercial aircraft, jet engines, and their associated parts supplies DoW with dual-use products and commercially derived defense-specific products, as well as provides important capability to perform maintenance, repair, and overhaul services.

4. The Secretary found that the United States aircraft industry is facing challenges to adequately meet economic and national security demands. These challenges are caused by, among other things, actions and practices of foreign countries, overreliance on foreign imports, and insufficient incentives to invest domestically.

5. The Secretary found that the actions and practices of foreign countries have for decades harmed, and continue to harm, the United States commercial aircraft manufacturing industry, leading to an underutilization of domestic manufacturing capacity, a harmful cycle of qualified workforce decline, industry consolidation, and rising costs of production. The resulting loss of skilled job opportunities and aerospace downsizing efforts, for example,

have led to high production costs and delays, hindering the ability of domestic industry to satisfy national security requirements.

6. The Secretary found that the United States aircraft industry is too reliant on foreign supply chains, raising national security concerns. For example, imported aircraft parts pose safety and security risks because of quality control and counterfeiting. Non-compliant and counterfeit components have led to numerous issues, including the removals of aircraft from service, fuselage corrosion, and compromised jet engines, affecting both commercial and defense fleets. Quality control and counterfeiting issues from foreign imports thus raise risks to the national security of the United States. And foreign import reliance intolerably leaves the United States aerospace supply chain vulnerable to exogenous shocks and foreign manipulation.

7. The Secretary found that foreign imports and competition, without intervention, will continue to harm the United States aircraft industry and hinder the incentives for United States producers to invest in developing and expanding manufacturing capacity, production, and their workforce, at a time in which they are already facing challenges to meet economic and national security demands. For example, foreign imports and competition weaken the United States labor supply by reducing incentives for domestic production, as manufacturers often outsource work or rely on imported components to cut costs, lowering demand for United States labor in manufacturing and maintenance and preventing domestic manufacturers from optimizing output. Competitive pressure from lower-cost foreign suppliers also forces United States firms to keep wages stagnant or limit hiring, making aircraft manufacturing jobs less appealing compared to other industries. Without these investments, United States defense industries and services that vitally depend on a robust and resilient domestic commercial aerospace industry will likely face rising costs, supply uncertainty, and potential backlogs in procurement and orders of military aircraft, engines, and parts.

8. The Secretary found that the present quantities and circumstances of imports of commercial aircraft, jet engines, and their associated parts threaten to impair the national security of the United States.

9. In light of these findings and the others in the Secretary's report, the Secretary recommended that the President direct further discussions and negotiations with foreign jurisdictions to address the threatened impairment to the national security posed by imports of commercial aircraft, jet engines, and their associated parts. The Secretary also recommended that no immediate tariffs be imposed under section 232 to address the threatened impairment to the national security posed by imports of commercial aircraft, jet engines, and their associated parts.

10. After considering the Secretary's report, the factors in section 232(d) (19 U.S.C. 1862(d)), and other relevant factors and information, I concur with the Secretary's finding that commercial aircraft, jet engines, and their associated parts are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. In my judgment, and in light of the Secretary's report, the factors in section 232(d) (19 U.S.C. 1862(d)), and other relevant factors and information, I determine that it is necessary and appropriate to enter into negotiations with trading partners to adjust the imports of commercial aircraft, jet engines, and their associated parts so that such imports will not threaten to impair the national security of the United States.

11. I therefore direct the Secretary and the United States Trade Representative (Trade Representative) to jointly pursue negotiation of agreements or continue any current negotiations of agreements to address the threatened impairment of the national security with respect to imported commercial aircraft, jet engines, and their associated parts, with any foreign trading partner the Secretary and the Trade Representative deem appropriate, and to update me on the progress of such negotiations within 180 days of the date of this proclamation. Under current circumstances and in light of future requirements of the United States, this course of action is necessary and appropriate

to address the threatened impairment of the national security. Depending on the status or outcome of such negotiations, I may consider alternative remedies in the future.

12. Section 232 authorizes the President to take action to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States. Section 232 includes the authority to adopt and carry out a plan of action, with adjustments over time, to address the national security threat. That initial plan of action may include negotiations of agreements along with other actions to adjust imports to address the national security threat, including tariffs. Moreover, if action under section 232 includes the negotiation of an agreement, such as one contemplated in section 232(c)(3)(A)(i) (19 U.S.C. 1862(c)(3)(A)(i)), the President may also take other actions he deems necessary to adjust imports so that such imports will not threaten to impair the national security of the United States, including if such an agreement is not entered into within 180 days of the date of this proclamation or is not being carried out or is ineffective. *See* 19 U.S.C. 1862(c)(3)(A).

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 232, and section 301 of title 3, United States Code, do hereby proclaim as follows:

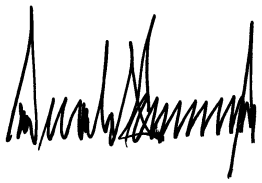
(1) The Secretary and the Trade Representative, and any senior executive branch official they deem appropriate, shall jointly pursue or continue pursuing negotiations of agreements to address the threatened impairment of the national security with respect to imports of commercial aircraft, jet engines, and their associated parts.

(2) The Secretary and the Trade Representative, in consultation with any other senior executive branch officials they deem appropriate, shall, from time to time, update me on the status or outcome of the negotiations described in this proclamation. The Secretary and the Trade Representative shall provide one of these updates within 180 days of the date of this proclamation.

(3) The Secretary shall continue to monitor imports of commercial aircraft, jet engines, and their associated parts. The Secretary also shall, from time to time, in consultation with any senior executive branch officials the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform me of any circumstances that, in the Secretary's opinion, might indicate the need for further action by the President under section 232.

(4) Any provision of previous proclamations and Executive Orders that is inconsistent with this proclamation is superseded to the extent of such inconsistency. If any provision of this proclamation or the application of any provision of this proclamation to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individual or circumstance shall not be affected.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of July, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.



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