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

GOVERNMENT ACCOUNTABILITY OFFICE

4 CFR Part 21

Update to Statutory Citations and Internet Address in Bid Protest Regulations

AGENCY: Government Accountability Office.

ACTION: Final rule; technical amendments.

SUMMARY: The Government Accountability Office (GAO) is issuing a final rule to amend its Bid Protest Regulations, promulgated in accordance with the Competition in Contracting Act of 1984 (CICA), to make an administrative change by updating citations to the United States Code to reflect amendment and recodification of underlying statutory provisions. The revisions only reflect changes that update an internet address and that update statutory citations to reflect statutory changes, so GAO has determined that the rule is uncontroversial and therefore it is appropriate to issue a final rule.

DATES: This rule is effective November 13, 2026.

FOR FURTHER INFORMATION CONTACT: Edward T. Goldstein (Managing Associate General Counsel, *goldsteine@gao.gov*).

SUPPLEMENTARY INFORMATION:

Background

GAO is revising the Bid Protest Regulations as a result of an addition to the statutory bid protest authority in section 326(b)(1) of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, 122 Stat. 63 (Jan. 28, 2008); and as the result of a statutory recodification in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat. 3388 (Jan. 1, 2021). Subsection (e) of section 1820 of Public Law 116–283 transferred section 2304c of title 10, United States Code to chapter 245 of title 10 and redesignated it as new section 3406 of title 10, among other things. GAO is also updating an internet address.

No Comments

GAO is not subject to the Administrative Procedure Act and accordingly is not required by law to seek comments before issuing a final rule. Additionally, this final rule makes only technical corrections that are uncontroversial, so comments are not invited.

Updated Citations and Address

GAO revises paragraphs (g) and (l) of 4 CFR 21.5 to reflect an addition to its statutory bid protest authority and the redesignation of the cited statutory provision from subsection 2304c(e) to subsection 3406(f) of Title 10 of the United States Code, respectively. GAO also revises the internet address provided in paragraph (f) of 4 CFR 21.0 to reflect the current address.

List of Subjects in 4 CFR Part 21

Administrative practice and procedure, Appeals, Bid protest regulations, Government contracts.

For the reasons set forth in the preamble, the Government Accountability Office amends 4 CFR part 21 as follows:

PART 21—BID PROTEST REGULATIONS

■ 1. The authority citation for part 21 is revised to read as follows:

Authority: 31 U.S.C. 3551–3557.

■ 2. Amend § 21.0 by revising paragraph (f) to read as follows:

§ 21.0 Definitions.

* * * * *

(f) *Electronic Protest Docketing System (EPDS)* is GAO's web-based electronic docketing system. GAO's website [*https://epds.gao.gov*] includes instructions and guidance on the use of EPDS.

* * * * *

■ 3. Amend § 21.5 by revising paragraphs (g) and (l) to read as follows:

§ 21.5 Protest issues not for consideration.

* * * * *

(g) *Procurements by agencies other than Federal agencies as defined by sec. 3 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 102.* Protests of procurements or proposed procurements by agencies such as the U.S. Postal Service, the Federal Deposit Insurance Corporation, and nonappropriated fund activities are beyond GAO's bid protest jurisdiction as established in 31 U.S.C. 3551–3557.

* * * * *

(l) *Protests of orders issued under task or delivery order contracts.* As established in 10 U.S.C. 3406(f) and 41 U.S.C. 4106(f), GAO does not have jurisdiction to review protests in connection with the issuance or proposed issuance of a task or delivery order except for the circumstances set forth in those statutory provisions.

* * * * *

Dated: October 27, 2026.

Edward Goldstein,

Managing Associate General Counsel.

[FR Doc. 2026–23168 Filed 11–12–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–13961; Airspace Docket No. 26–AWA–7]

RIN 2120–AA66

Amendment of Class C Airspace; Laughlin Air Force Base, Del Rio, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes administrative amendments to the Laughlin AFB, TX, Class C airspace legal description. Specifically, the action updates the geographic coordinates of the airport reference point (ARP) to match the FAA's National Airspace System Resources (NASR) database information. Additionally, this action corrects the header format to conform with current FAA policy. Lastly, this action updates the outdated term ''Airport/Facility Directory'' to ''Chart Supplement.'' This action does not change the lateral boundaries, altitudes, or operating requirements of the Class C airspace area.

DATES: Effective date 0901 UTC, February 18, 2027. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11M, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Kendra Herrera, Airspace Regulation Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Good Cause for Bypassing Notice and Comment

The Administrative Procedure Act (APA) authorizes agencies to dispense with ordinary notice and comment requirements for rules when the agency for ''good cause'' finds that those procedures are ''unnecessary.'' 5 U.S.C. 553(b)(B). This rule amends the Laughlin AFB, TX, Class C airspace legal description to make administrative updates. Specifically, it updates the geographic coordinates of the ARP to match the FAA's NASR database information. Additionally, this rule updates the header format to conform with current FAA policy. Lastly, this action updates the outdated term ''Airport/Facility Directory'' to ''Chart Supplement.'' This rule will not impose any additional substantive restrictions or requirements on the persons affected by these regulations as it consists of administrative changes only and does not affect the boundaries, altitudes, or operating requirements of the airspace. The action constitutes ''a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012). Therefore, the FAA finds good cause that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

History

During a review of the Laughlin AFB, TX, Class C airspace description, the FAA identified the need to make administrative amendments to update the ARP geographic coordinates for Laughlin AFB to match NASR database information, update the term ''Airport/Facility Directory'' to ''Chart Supplement,'' and to amend the text header format for the Laughlin AFB, TX, Class C airspace description as published in FAA Order JO 7400.11.

Incorporation by Reference

Class C airspace areas are published in paragraph 4000 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 7400.11M, dated July 30, 2026, and effective September 15, 2026. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11M, 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 making administrative updates to the Laughlin AFB, TX, Class C airspace description as published in FAA Order JO 7400.11M, Airspace Designations and Reporting Points.

In the Class C airspace legal description, the ARP geographic coordinates for the Laughlin AFB are amended from ''lat. 29°21′36″ N, long. 100°46′39″ W'' to ''lat. 29°21′34″ N, long. 100°46′41″ W'' in order to match the FAA's NASR database information. This represents a 2-second difference in latitude and longitude. Additionally, the first line in the text header of the description is amended from ''ASW TX C Laughlin AFB, TX'' to ''ASW TX C Del Rio, TX'' to remove the airport name and align with current formatting standards. Lastly, the outdated term ''Airport/Facility Directory'' is changed to ''Chart Supplement.''

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 warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending the Laughlin, TX, Class C airspace descriptions to update geographic coordinates of the ARP to match the FAA's NASR database information, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and in accordance with FAA Order 1050.1G, FAA *National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). In accordance with Appendix B, paragraph B–1 of FAA Order 1050.1G regarding Extraordinary Circumstances, the FAA has reviewed

this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA reviewed this action and determined that no extraordinary circumstances exist, and that preparation of an environmental assessment or environmental impact statement is not required.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, effective September 15, 2026, is amended as follows:

Paragraph 4000 Class C Airspace

* * * * *

ASW TX C Del Rio, TX [Amended]

Laughlin AFB, TX
(lat. 29°21′34″ N, long. 100°46′41″ W)

That airspace extending upward from the surface to and including 5,100 feet MSL within a 5-mile radius of Laughlin AFB, and that airspace extending upward from 2,500 feet MSL to and including 5,100 feet MSL within a 10-mile radius of Laughlin AFB. This Class C airspace area excludes that airspace in Mexico. This Class C airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen (NOTAM). The effective date and time will thereafter be continuously published in the appropriate volume of the Chart Supplement U.S.

* * * * *

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

Brian Eric Konie,

Acting Manager, Airspace Regulation Group.

[FR Doc. 2026–23194 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. FDA–2025–C–3543]

Revocation of the Color Additive Listing for Use of Orange B on Casings or Surfaces of Frankfurters and Sausages; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of September 8, 2026, for the final order that appeared in the **Federal Register** of July 23, 2026, and that repealed the color additive regulation that allows for the use of Orange B for coloring the casings or surfaces of frankfurters and sausages.

DATES: The effective date of September 8, 2026, for the final order published in the **Federal Register** of July 23, 2026 (91 FR 46276) is confirmed.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final order into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Shayla West-Barnette, Office of Premarket Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1262; or Meridith L. Kelsch, Office of Regulations and International Programs, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 23, 2026 (91 FR 46276), we issued an order to repeal the color additive regulation in § 74.250 Orange B (21 CFR 74.250) that allows for the use of Orange B for coloring the casings or surfaces of frankfurters and sausages.

We gave interested persons until August 24, 2026, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final order. Therefore, we find that the effective date of the final order that published in the **Federal Register** of July 23, 2026, should be confirmed.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, we are giving notice that no objections or requests for a hearing were filed in response to the July 23, 2026, final order. Accordingly, the amendment issued thereby became effective September 8, 2026.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–23112 Filed 11–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 516

Publication of a Cuba Sanctions Regulations Web General License

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued in the Cuba Sanctions program: GL 1. This GL was previously made available on OFAC's website.

DATES: GL 1 was issued on May 7, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On May 7, 2026, OFAC issued GL 1 to authorize certain transactions otherwise prohibited by Executive Order (E.O.) 14404 of May 1, 2026, ''Imposing Sanctions on Those Responsible for Repression in Cuba and

for Threats to United States National Security and Foreign Policy (91 FR 25061, May 1, 2026). On September 30, 2026, OFAC incorporated the prohibitions of E.O. 14404 into the Cuba Sanctions Regulations, 31 CFR part 516. GL 1 was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 14404 of May 1, 2026

Imposing Sanctions on Those Responsible for Repression in Cuba and for Threats to United States National Security and Foreign Policy

GENERAL LICENSE NO. 1

Transactions Authorized Pursuant to the Cuban Assets Control Regulations

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order 14404 are authorized to the extent such transactions are authorized or exempt under the Cuban Assets Control Regulations, 31 CFR part 515 (CACR), including transactions authorized by a general or specific license pursuant to the CACR.

(b) This general license does not authorize any transaction that is otherwise prohibited by 31 CFR Chapter V.

Dated: May 7, 2026.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–23195 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Publication of Iran-Related Web General Licenses EE and FF

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two Iran-related general licenses (GLs): GLs EE and FF, which were made available on OFAC's website at the time of issuance.

DATES: GL EE was issued on October 8, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On October 8, 2026, OFAC issued GL EE to authorize certain transactions otherwise prohibited by Executive Order 13846 of August 6, 2018, ''Reimposing Certain Sanctions With Respect to Iran'' (83 FR 38939, August 7, 2018). GL EE expired on October 23, 2026. On October 15, 2026, OFAC issued GL FF to authorize certain transactions otherwise prohibited by the Iranian Transactions and Sanctions Regulations, 31 CFR part 560. GL FF expired on October 30, 2026. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13846 of August 6, 2018 (''Reimposing Certain Sanctions With Respect to Iran'')

GENERAL LICENSE EE

Authorizing the Wind Down of Transactions Involving Samudra Marine Services Private Limited

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 13846 that are ordinarily incident and necessary to the wind down of any transaction involving Samudra Marine Services Private Limited (''Samudra''), or any entity in which Samudra owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, October 23, 2026, provided that any payment to a blocked person must be made into a blocked, interest-bearing account located in the United States.

(b) This general license does not authorize any transactions otherwise prohibited by E.O. 13846, including transactions involving any person blocked pursuant to E.O. 13846 other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Dated: October 8, 2026.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

OFFICE OF FOREIGN ASSETS CONTROL

Iranian Transactions and Sanctions Regulations 31 CFR Part 560

GENERAL LICENSE FF

Authorizing the Wind Down of Transactions Involving International Development Bank for Investment and Finance

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (ITSR), that are ordinarily incident and necessary to the wind down of any transaction involving International Development Bank for Investment and Finance, a.k.a. Iraq Development Bank (''Iraq Development Bank''), or any entity in which Iraq Development Bank owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, October 30, 2026, provided that any payment to a blocked person must be made into a blocked account in accordance with the ITSR.

(b) This general license does not authorize any transactions otherwise prohibited by the ITSR, including transactions involving any person blocked pursuant to the ITSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Dated: October 15, 2026.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–23197 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 55F and 115D

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs

55F and 115D, each of which was previously made available on OFAC's website.

DATES: GL 55F was issued on June 11, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On June 11, 2026, OFAC issued GLs 55F and 115D to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR). These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. GLs 55F and 115D, each of which expires on December 18, 2026, replaced and superseded GLs 55E and 115C, respectively. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations 31 CFR Part 587

GENERAL LICENSE NO. 55F

Authorizing Certain Services Related to Sakhalin-2

(a) Except as provided in paragraph (d) of this general license, all transactions prohibited by the determination of November 21, 2022 made pursuant to section 1(a)(ii) of Executive Order (E.O.) 14071 (''Prohibitions on Certain Services as They Relate to the Maritime Transport of Crude Oil of Russian Federation Origin'') related to the maritime transport of crude oil originating from the Sakhalin-2 project (''Sakhalin-2 byproduct'') are authorized through 12:01 a.m. eastern standard time, December 18, 2026, provided that the Sakhalin-2 byproduct is solely for importation into Japan.

(b) Except as provided in paragraph (d) of this general license, all transactions prohibited by E.O. 14024 involving Gazprombank Joint Stock Company (Gazprombank) or any entity in which Gazprombank owns, directly or indirectly, a 50 percent or greater interest, that are related to the Sakhalin-2 project, including such transactions involving Sakhalin Energy LLC, are authorized through 12:01 a.m. eastern standard time, December 18, 2026.

(c) Except as provided in paragraph (d) of this general license, all transactions prohibited by the determination of January 10, 2025 made pursuant to section 1(a)(ii) of E.O. 14071 (''Prohibition on Petroleum Services'') that are related to the Sakhalin-2 project are authorized through 12:01 a.m. eastern standard time, December 18, 2026.

(d) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, other than the blocked persons described in paragraph (b), unless separately authorized.

(e) Effective June 11, 2026, General License No. 55E, dated December 17, 2025, is replaced and superseded in its entirety by this General License No. 55F.

Dated: June 11, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations 31 CFR Part 587

GENERAL LICENSE NO. 115D

Authorizing Certain Transactions Related to Civil Nuclear Energy

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 involving one or more of the following entities that are related to civil nuclear energy are authorized through 12:01 a.m. eastern standard time, December 18, 2026:

(1) Gazprombank Joint Stock Company;

(2) State Corporation Bank for Development and Foreign Economic Affairs Vnesheconombank;

(3) Public Joint Stock Company Bank Financial Corporation Otkritie;

(4) Sovcombank Open Joint Stock Company;

(5) Public Joint Stock Company Sberbank of Russia;

(6) VTB Bank Public Joint Stock Company;

(7) Joint Stock Company Alfa-Bank;

(8) Public Joint Stock Company Rosbank;

(9) Bank Zenit Public Joint Stock Company;

(10) Bank Saint-Petersburg Public Joint Stock Company;

(11) National Clearing Center (NCC);

(12) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest; or

(13) the Central Bank of the Russian Federation.

(b) For the purposes of this general license, the term ''related to civil nuclear energy'' means transactions undertaken solely to maintain or support civil nuclear projects initiated before November 21, 2024.

(c) This general license does not authorize:

(1) The opening or maintaining of a correspondent account or payable-through account for or on behalf of any entity subject to Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any debit to an account on the books of a U.S. financial institution of the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, or the Ministry of Finance; or

(3) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

(d) Effective June 11, 2026, General License No. 115C, dated December 17, 2025, is replaced and superseded in its entirety by this General License No. 115D.

Dated: June 11, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–23196 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Publication of Iran-Related Web General License W

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing an Iran-related general license (GL): GL W. This GL was previously made available on OFAC's website.

DATES: GL W was issued on May 1, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov/.*

Background

On May 1, 2026, OFAC issued GL W to authorize certain transactions otherwise prohibited by Executive Order 13846 of August 6, 2018, ''Reimposing Certain Sanctions With Respect to Iran'' (83 FR 38939, August 7, 2018). GL W expired May 31, 2026. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13846 of August 6, 2018 (''Reimposing Certain Sanctions With Respect to Iran'')

GENERAL LICENSE W

Authorizing the Wind Down of Transactions Involving Certain Persons Blocked on May 1, 2026

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 13846 that are ordinarily incident and necessary to the wind down of any transaction involving Qingdao Haiye Oil Terminal Co., Ltd., or any entity in which it owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, May 31, 2026, provided that any payment to a blocked person must be made into a blocked, interest-bearing account located in the United States.

(b) This general license does not authorize any transactions otherwise prohibited by E.O. 13846, including transactions involving any person blocked pursuant to E.O. 13846 other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Dated: May 1, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–23193 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1071]

RIN 1625–AA00

Safety Zone; Massachusetts Bay, Boston, MA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary moving safety zones for certain portions of the navigable water of Massachusetts Bay, 22 miles northeast of Boston, MA. The safety zones are needed to protect personnel, vessels, and the maritime public from potential hazards created by subsea demolition operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Boston, or their designated representative.

DATES: This rule is effective from 11:59 p.m. February 28, 2027, through 8 a.m. September 30, 2027.

ADDRESSES: To view available documents, go to *https://www.regulations.gov* and search for USCG 2026–1071.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Mr. Timothy W. Chase, Sector Boston Waterways Management, phone (617) 447–1620, email *Timothy.w.chase@uscg.mil* or *SECBOSWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CFR Code of Federal Regulations
COTP Captain of the Port, Boston
DHS Department of Homeland Security
DMS Degrees, Minutes, Seconds (Geodetic coordinate format)
DP Dynamic Positioning
DWP Deepwater Port
EIR Environmental Impact Report
EIS Environmental Impact Statement
ENC Electronic Navigational Chart
ESA Endangered Species Act
FM Frequency Modulation
FR Federal Register
LNG Liquid Natural Gas
LNM Local Notice to Mariners
MARAD Maritime Administration (U.S. Department of Transportation)
MMPA Marine Mammal Protection Act
NEPA National Environmental Policy Act of 1969
NMFS National Marine Fisheries Service (NOAA Fisheries)
NOAA National Oceanic and Atmospheric Administration
NPRM Notice of proposed rulemaking
TFR Temporary Final Rule
PLEM Pipeline End Manifold
PSO Protected Species Observer
RFA Regulatory Flexibility Act of 1980
ROV Remotely Operated Vehicle
SRV Shuttle and Regasification Vessel
STL Submerged Turret Loading
MA Massachusetts
§ Section
U.S.C. United States Code
USACE United States Army Corps of Engineers
USCG United States Coast Guard
UTM Universal Transverse Mercator (Grid coordinate system)
VHF Very High Frequency
WGS 84 World Geodetic System 1984 (Geodetic reference system)

II. Background and Authority

On August 7, 2026, Neptune LNG LLC notified the Coast Guard that the Maritime Administration (MARAD) had granted final approval for the decommissioning of the Neptune LNG LLC Deepwater Port in Massachusetts Bay, located approximately 22 miles northeast of Boston, Massachusetts. The project is extensive and will require specialized equipment utilized by divers working on the sea floor. The planned physical removal framework involves taking out two submerged turret loading buoys, three transition manifolds, 16 wire rope and chain mooring lines and connecting infrastructure while partially abandoning buried pipeline in place. On September 23, 2026, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Massachusetts Bay, Boston, MA (91 FR 60347). In that NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this project. We

received one comment during the comment period that ended October 23, 2026.

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

III. Discussion of Comments

As noted above, the Coast Guard received one comment on the NPRM published on September 23, 2026 (91 FR 60247). The comment requested detailed clarifications regarding: (1) the geographic scope and reconciliation of work site coordinates; (2) the technical hazard basis for the 500-meter safety zone radius; (3) project environmental authorizations and marine mammal mitigation; (4) subsea infrastructure closeout, seabed clearance surveys, and nautical chart updates; and (5) enforcement, suspension, and potential extension of the safety zone.

The Coast Guard addresses each of these topics below:

1. *Geographic Scope, Coordinate Reconciliation, and Movable Exclusion Zones Operational Phasing & Coordinates:* The decommissioning campaign is designed as a phased, sequential operation spanning an estimated 146 days of offshore work, except for approximately a three-week period when flushing and flaring activities will take place simultaneously at two locations. During this period, the construction vessels will be located at the transition manifold (approx. posn 42°29′07.17″ N, 70°46′34.74″ W) while the flare/filtration vessel will be positioned at the South Pipeline End Manifold (PLEM) in the vicinity of the South STL Buoy (approx. posn 42°27′20.5″ N, 070°36′07.3″). The coordinate published in the NPRM (42°28′52.1″ N, 070°46′16.9″ W) represented a location in the vicinity of the decommissioning operations across the 2.3-mile spread between the North STL Buoy, the South STL Buoy, and the HubLine hot-tap tie-in location.

• *Reconciling Distance:* We acknowledge that the two STL buoys are located 2.3 miles apart (as documented in Section 2.7 of the Neptune Final Decommissioning Plan). To protect all work locations—including the North Buoy, the South Buoy, and the pipeline tie-in at the Algonquin HubLine ''hot-tap'' connection—without unnecessarily restricting commercial navigation and fishing across a static 2.3-mile corridor, the Coast Guard is clarifying that this is a moving safety zone.

• *Movable Zone Application:* The regulatory text in the Temporary Final Rule has been clarified to establish a 500-meter moving safety zone centered on the primary construction vessel or vessels. As work shifts from the North Buoy to the South Buoy and the hot-tap assembly, the safety zones will move with the active construction vessels. Again, as discussed above, we anticipate only one safety zone being enforced except for a three-week period where there will be two active zones. The Captain of the Port (COTP) Boston will make notification of the exact active location and the name of the primary construction vessel at that location in advance of each enforcement period to the local maritime community through the Local Notice to Mariners (LNM) Northeast District and will issue a Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency. The LNM has historically been the primary means for disseminating information concerning aids to navigation, hazards to navigation, and other marine information of interest to mariners on the waters of the United States. The LNM is available online and can be found at its dedicated website *http://www.navcen.uscg.gov.* Notices are published weekly. Interested parties may subscribe to receive email updates at *https://navcen.uscg.gov/subscribe-email-rss-feeds.* The Coast Guard believes the use of the LNM to be the most efficient means to distribute information concerning locations and enforcement periods for these moving safety zones. The Coast Guard will issue a BNM via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency or hazardous condition. The Coast Guard now offers an online subscription service in addition to the standard VHF BNM broadcasts which, traditionally, was the only method to receive this vital navigational information. Mariners may now use a subscription service to plan for underway periods and can receive updates to navigational hazards in near-real-time without waiting on scheduled VHF broadcasts. Sign up to receive BNMs via email for your waterway at *https://www.navcen.uscg.gov/subscribe-email-rss-feeds.*

2. *Technical and Operational Basis for the 500-Meter Radius:* The 500-meter (approx. 547-yard) radius was determined through an operational risk assessment in consultation with the Maritime Administration (MARAD) and the primary marine contractors. The 500-meter radius is also consistent with other rulemakings used during the construction of the deepwater port and during its operation as cited in 33 CFR 165.117 Regulated Navigation Areas, Safety and Security Zones: Deepwater Ports, USCG Northeast District. It represents the minimum necessary envelope to mitigate the following hazards:

• *Vessel Positioning Failures:* Heavy operations will utilize large construction vessels. A 500-meter radius provides a safe ''drift-off'' or ''drive-off'' buffer in the event of a Dynamic Positioning system failure, allowing time for emergency recovery before colliding with external vessels.

• *Heavy Lifts and Tensioned Moorings:* Recovering 16 massive catenary mooring lines (composed of 150m of spiral strand wire rope and heavy chain) and the 169,400 kg STL buoys involves high-tension shears and heavy crane lifts. This introduces significant snap-back, load-drop, and dropped-object risks extending well beyond the immediate hull profile.

• *Diver and ROV Safety:* Saturation diving and Work-Class Remotely Operated Vehicles (ROVs) will be deployed continuously. Protecting diver umbilicals and decompression profiles from vessel wake, propeller wash, and entangling drift traffic requires a strict 500-meter exclusion zone.

3. *Environmental Authorizations and Protected Species Mitigation:* The Coast Guard has analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard's compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f). The Coast Guard has determined that the action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a safety zone around subsea demolition operations to protect life, property, and the marine environment and 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 subject docket. For instructions on locating the docket, see the **ADDRESSES** section of the preamble.

The Coast Guard is also aware that all operations are authorized and governed by federal environmental requirements:

• *MARAD & NEPA Approval:* The decommissioning is authorized under the Deepwater Port Act of 1974 license

conditions, formally approved by the Maritime Administrator, Capt. Stephen M. Carmel, on July 20, 2026. MARAD determined that the environmental impacts are consistent with the original Final EIS/EIR, meaning further NEPA review is not required.

- *Protected Species Mitigation:* Operations must strictly comply with the Endangered Species Act (Section 7) Biological Opinion and Marine Mammal Protection Act (MMPA) requirements issued by National Marine Fisheries Service (NMFS). This includes:

1. Stationing certified Protected Species Observers (PSOs) onboard with full stop-work authority.

2. Mandatory 10-knot vessel speed caps within designated North Atlantic right whale management areas.

3. A seasonal work window: To avoid adverse impacts on Atlantic cod spawning aggregations, no offshore decommissioning activities will occur between October 1 and January 31.

4. *Pipeline Isolation, Infrastructure Disposition, and Chart Updates:* As an initial matter, the Coast Guard notes that the technical and structural details of subsea closeout, pipeline decommissioning, and permanent seabed configuration are beyond the scope of this rulemaking, which is strictly limited to establishing temporary safety zones for navigation safety during active operations. However, for transparency, the Coast Guard provides the following technical context from the approved decommissioning records including the Final Decommissioning Plan, March 2025 (available in the docket).

- *Pipeline Decommissioning:* Decommissioning of the 13.2-mile, 24-inch pipeline will strictly follow PHMSA (49 CFR part 192) standards. The pipeline has already been isolated from the Algonquin HubLine, depressurized, purged, and flooded.
- *Infrastructure Recovery:* The transition manifold, two PLEMs, four tie-in spools, and flexible risers will be completely removed and recovered to shore for recycling or disposal (at authorized facilities such as Jay Cashman Inc. in Quincy, MA).
- *Anchors & Mattresses:* Consistent with feedback from the Massachusetts Lobstermen's Association and trawlers, the 16 suction caisson anchors will be cut 3 feet below the mudline, capped with biodegradable sand/cement bags, and backfilled with native sediment to restore a flat, trawlable seafloor. Approximately 141 concrete mattresses will be fully recovered to shore.
- *Post-Decommissioning Surveys and Charting:* Following physical removal, Neptune will conduct high-resolution as-left multibeam bathymetric and side-scan sonar surveys, verified by an ROV. The certified as-left hydrographic surveys will be submitted immediately to the National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey to update Electronic Navigational Charts (ENCs) and paper nautical charts.

5. *Suspension and Extension Protocols:*

- *Operational Suspensions:* Enforcement of the safety zone is strictly tied to active operations. If operations are paused due to weather stand-downs or scheduling delays, the COTP will suspend active enforcement and broadcast this suspension to mariners via the LNM.
- *Timeline and Extensions:* Under the MARAD approval letter dated July 20, 2026, decommissioning must be completed within two years (by July 20, 2028). This rule will remain effective through September 30, 2027, which should accommodate the possibility of project delays due to unforeseen circumstances. If the project is completed before September 30, 2027, enforcement of the safety zone will be suspended, and notice will be provided via the LNM. The Coast Guard Northeast District LNM can be found at: *https://www.navcen.uscg.gov/maritime-safety-information.*
- If additional delays occur requiring an extension of the safety zone past September 30, 2027, the Coast Guard will issue a new public notice to extend the regulation.

IV. Discussion of Changes, and the Rule

There are changes in the regulatory text of this rule from the proposed rule in the NPRM.

The regulatory text in this rule has been amended to clarify that the 500-meter safety zone will now center on the active decommissioning primary construction vessel or vessels conducting the decommissioning operations. As work shifts in the area from the vicinity of the North Buoy to the South Buoy and the hot-tap assembly, or at two locations simultaneously, the safety zones will move with the primary vessels. The COTP will make notification of the exact location and the name of the primary construction vessel at that location in advance of each enforcement period to the local maritime community through the LNM and will issue a BNM via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency.

This rule establishes moving safety zones from 11:59 p.m. February 28, 2027, through 8 a.m. September 30, 2027. The safety zones will cover all the navigable waters of the Massachusetts Bay in a 500-meter radius of the primary construction vessels position operating in the approximately 22 miles northeast of Boston, MA (42°28′52.1″ N, 070°46′16.9″ W). The COTP will make notification of the exact location and the name of the primary construction vessel at that location in advance of each enforcement period to the local maritime community through the LNM and will issue a BNM via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency. No vessel or person will be permitted to enter the moving safety zones without obtaining permission from the COTP or a designated representative.

This rule will remain in effect through September 30, 2027, which should accommodate the possibility of project delays due to unforeseen circumstances. If the project is completed before September 30, 2027, enforcement of the safety zone will be suspended, and notice will be provided via the Local Notice to Mariners.

The Coast Guard Northeast District Local Notice to Mariners can be found at: *https://www.navcen.uscg.gov/maritime-safety-information.*

After considering the comment discussed above, the Coast Guard determined that no additional changes should be made to the regulatory text based on this comment. As written, the Coast Guard believes that the rule ensures consistency, sufficient notice, and improved safety while minimizing impact on vessel transit.

V. 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 under 5 U.S.C. 605(b) that this temporary final rule would not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic will be able to safely transit around this regulated area. This regulation will only impact a small area of Massachusetts Bay. In addition, the Coast Guard will issue a Local Notice to Mariners and a 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 the 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.

E. 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.

F. 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.T01–1071 to read as follows:

§ 165.T01–1071 Safety Zone; Massachusetts Bay, Boston, MA.

(a) *Location.* The following area is a safety zone: all the navigable waters of Massachusetts Bay within a 500-meter radius of the primary construction vessels position operating approximately 22 miles northeast of Boston, MA (approx. posn 42°28′52.1″ N, 070°46′16.9″ W). This coordinate is based on the World Geodetic System (WGS 84). The COTP will make notification to the local maritime community of the exact location and the name of the primary construction vessel at that location in advance of each enforcement period through the Local Notice to Mariners (LNM) and will issue a Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency. No vessel or person will be permitted to enter the moving safety zones without obtaining permission from the COTP or a designated representative.

(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 Boston (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 contacting the Coast Guard Sector Boston Command Center by telephone at (857) 416–3015. 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) *Effective and Enforcement periods.* This rule establishes moving safety zones from 11:59 p.m. February 28, 2027, through 8 a.m. September 30, 2027. The Northeast Coast Guard District Local Notice to Mariners can be found at: *https://www.navcen.uscg.gov/maritime-safety-information.*

Dated: November 6, 2026.

Jamie C. Frederick,

Captain, U.S. Coast Guard, Captain of the Port Sector Boston.

[FR Doc. 2026–23148 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2026–0727; FRL–11727–01–R8]

Air Plan Approval; Utah; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Utah State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Utah and approved by the EPA. In this final rule,

the EPA is also notifying the public of corrections and clarifying changes in the Code of Federal Regulations (CFR) tables that identify material IBR into the Utah SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective on November 13, 2026.

ADDRESSES: The SIP materials which are incorporated by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO 80202; and *https://www.regulations.gov.* To view the materials at the Region 8 Office, the EPA requests that you email the contact listed in the **FOR FUTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information about this final rule, contact Crystal Ostigaard, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, telephone number: (303) 312–6602, email address: *ostigaard.crystal@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

APA Administrative Procedure Act
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CO Carbon Monoxide
EPA U.S. Environmental Protection Agency
FR Federal Register
IBR Incorporation by Reference
PM Particulate Matter
$PM_{2.5}$ Fine Particulate Matter
PM10 Coarse Particulate Matter
NAAQS National Ambient Air Quality Standards
NARA National Archives and Records Administration
NNSR Nonattainment New Source Review
SIP State Implementation Plan
SO_2 Sulfur Dioxide

Table of Contents

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I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the National Ambient Air Quality Standards (NAAQS) and achieve certain other Clean Air Act (CAA) requirements (*e.g.,* visibility requirements, prevention of significant deterioration). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to the EPA. Once these control measures and strategies are approved by the EPA, and after notice and comment, they are incorporated into the federally approved SIP and identified in part 52 ''Approval and Promulgation of Implementation Plans,'' Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the State regulations approved by the EPA is not reproduced in its entirety in 40 CFR part 52 but is ''incorporated by reference.'' This means that the EPA has approved a given State's regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in the SIP. The information provided allows the EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, the EPA from time to time must take action on proposed revisions containing new and/or revised State regulations. A submission from a State can revise one or more rules in their entirety or portions of rules, even change a single word. The EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on *www.regulations.gov.*

On May 22, 1997 (62 **Federal Register** (FR) 27968), the EPA revised the procedures for IBR, into the CFR, materials approved by the EPA into each State SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing the EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for the EPA to maintain ''SIP Compilations'' that contain the federally approved regulations and source specific permits submitted by each State agency.

Under the 1997 revised procedures, the EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular State. EPA Region 8 will continue to update and maintain the compilation for Utah.[1] In addition, the EPA maintains hard copies of the compilation which are updated periodically.

Each compilation contains three parts: Part one (paragraph (c)) contains the State regulations that have been approved; Part two (paragraph (d)) contains source specific requirements that have been approved as part of the SIP (if any); and Part three (paragraph (e)) contains non-regulatory provisions that have been approved, which includes Regional Haze reports, nonattainment new source review certification, and emission inventory reports. Each volume of the compilation contains a table of contents identifying information for each regulation, each source-specific requirement, and each nonregulatory provision. The State effective dates in the tables of contents indicate the date of the most recent revision to a particular approved regulation. The tables of contents identifying information in each volume of the compilation corresponds to the tables published in 40 CFR part 52 for the State. The EPA Regional Offices have the primary responsibility for ensuring accuracy and updating the compilations.

II. Final Action

In this action, the EPA is providing notification of an update to the materials incorporated by reference into the Utah SIP as of January 5, 2026, and identified in 40 CFR 52.2320(c) and (d). Additionally, the EPA is updating information found at 40 CFR 52.2320(e) that does not include materials IBR'd. This action represents the EPA's publication of the Utah SIP Compilation update, appearing in 40 CFR part 52: specifically, the materials in paragraph (b), (c), (d), and (e) at 40 CFR 52.2320. This update includes SIP materials

[1] These compilations may be found at *https://www.epa.gov/air-quality-implementation-plans/approved-air-quality-implementation-plans-region-8.*

submitted by Utah and approved by the EPA since the last IBR update.[2] In addition, the EPA is providing notification of the following corrections and clarifying changes to 40 CFR 52.2320(c), (d), and (e):

Changes Applicable to Table 1 to Paragraph (c); EPA-Approved Utah Regulations.

A. Correcting typographical errors, misspellings, and other general incorrectness/incompleteness.

B. Under the ''Rule No.'' columns the last digit(s) of the rule numbers were changed to reflect 2-digits to better provide uniformity (ex. R307–101–01 instead of R307–101–1).

C. Under ''State Effective Date'' and ''Final Rule, Citation Date'' columns: the two-digit year is changed to reflect a four-digit year (for consistency), any leading zeroes have been removed for the month and day, and **Federal Register** citations are corrected to reflect the first page of the preamble.

D. Under the ''Rule No.'', specifically ''R307–101–02'', ''R307–101–03'', ''R307–104–01'', ''R307–104–02'', ''R307–104–03'', ''R307–110–12'', ''R307–110–13'', ''R307–110–19'', ''R307–110–21'', ''R307–110–28'', ''R307–110–31'', ''R307–110–32'', ''R307–110–35'', ''R307–110–36'', ''R307–150–01'' through ''R307–150–07'', ''R307–150–09'', ''R307–165–01'' through ''R307–165–06'', ''R307–202'', ''R307–208'', ''R307–230'', ''R307–302–01'' through ''R307–302–06'', ''R307–306–01'' through ''R307–306–07'', ''R307–309'', ''R307–312'', ''R307–328'', ''R307–335'', ''307–343'', ''R307–344'', ''R307–345'', ''R307–346'', ''R307–347'', ''R307–348'', ''R307–349'', ''R307–350'', ''R307–351'', ''R307–352'', ''R307–353'', ''R307–354'', ''R307–355'', ''R307–401–02'', ''R307–401–04'' through ''R307–401–06'', ''R307–401–09'' through ''R307–401–12'', ''R307–401–14'' through ''R307–401–16'', ''R307–403–01'' through ''R307–403–07'', ''R307–403–09'' through ''R307–403–11'', ''R307–405–02'', ''R307–405–03'', ''R307–410–02'' through ''R307–410–04'', ''R307–410–06'', and ''R307–420–01'' through ''R307–410–05'', the ''Final Rule, Citation Date'' column was corrected to the correct citation and/or date.

E. Under the ''Rule No.'', specifically ''R307–104–01'' through ''R307–104–03'', ''R307–110–13'', ''R307–110–19'', ''R307–110–21'', ''R307–110–22'', ''R307–165–01'' through ''R307–165–06'', ''R307–204–01'' through ''R307–204–07'', ''R307–342'', ''R307–356'', ''R307–357'', ''R307–357–04'', ''R307–361'', ''R307–401–07'', ''R307–403–01'', ''R307–405–01'', ''R307–405–04'' through ''R307–405–22'', ''R307–414'', and ''R307–420–01'' through ''R307–420–05'', the ''State Effective'' date column was corrected to the correct date.

F. Under the ''Rule No.'', specifically ''R307–110–16'' was repealed within the May 20, 2002 (67 FR 35442) action; therefore, it has been removed from Table 1 to Paragraph (c).

G. Under the ''Rule No.'', specifically ''R307–150–08'' was replaced with ''R307–150–07'' with the April 3, 2020 (87 FR 24275) action and the duplicate ''R307–150–08'' was unfortunately retained; therefore ''R307–150–08'' was removed from Table 1 to Paragraph (c).

H. Under the ''Rule No.'', specifically ''R307–301'', except for ''R307–301–03'', was fully acted on within the February 14, 2006 (71 FR 7679) action and the individual rows of ''R307–301–01'', ''R307–301–02'', ''R307–301–04'', ''R307–301–05'', ''R307–301–06'', ''R307–301–07'', ''R307–301–08'', ''R307–301–09'', ''R307–301–10'', ''R307–301–11'', ''R307–301–12'', ''R307–301–13'', and ''R307–301–14'', were inadvertently not included in the table; therefore, these 13 individual rows have been returned to Table (1) to Paragraph (c).

I. Under the ''Rule No.'', specifically ''R307–310'', was partially acted on within the

May 13, 2002 (67 FR 44065) action and the individual row of ''R307–301–04'', was inadvertently not included in the table; therefore, this one individual row has been returned to Table (1) to Paragraph (c).

J. Under the ''Rule No.'', specifically ''R307–340'', was repealed within the February 25, 2016 (81 FR 9343) action; therefore, it has been removed from Table 1 to Paragraph (c).

K. Under the ''Rule No.'', specifically ''R307–351'' was fully acted on within the July 1, 2024 (89 FR 54358) action and the individual rows of ''R307–351–2'' and ''R307–351–4'' were inadvertently not removed; therefore, these two individual rows have been removed from Table 1 to Paragraph (c).

L. Under the ''Rule No.'', specifically ''R307–355'' was fully acted on within the July 1, 2024 (89 FR 54358) action and the individual row of ''R307–355–5'' was inadvertently not removed; therefore, this one individual row has been removed from Table 1 to Paragraph (c).

M. Under the ''Rule No.'', specifically ''R307–413–7'' was renumbered to ''R307–401–14'' and renamed to ''Used Oil Fuel Burned for Energy Recovery'' with the EPA's approval within the May 13, 2014 (79 FR 27190) action and the individual row of ''R307–413–7'' was inadvertently removed; therefore, this one individual row has been removed from Table 1 to Paragraph (c).

N. A new entry was included within Table 1 to Paragraph (c), ''Utah SIP Sections'' which will include certain SIP revisions that were inadvertently approved into Table 3 to Paragraph (e) but should have been approved within Table 1 to Paragraph (c).

O. Under the ''Utah SIP Sections'', ''Rule Title'', specifically ''Section IX.A.23. Fine Particulate Matter, $PM_{2.5}$ SIP for the Logan, UT–ID Nonattainment Area'', ''Section IX.C.6. Carbon Monoxide, Provo'', ''Section IX.H.1. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM_{10} Requirements'', ''Section IX.H.2. Source Specific Emission Limitations in Salt Lake County PM_{10} Nonattainment/Maintenance Area'', ''Section IX.H.3. Source Specific Emission Limitations in Utah County PM_{10} Nonattainment/Maintenance Area'', ''Section IX.H.4. Interim Emission Limits and Operating Practices'', ''Section IX.H.21. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements'', ''Section IX.H.22. Source Specific Emission Limitations: Regional Haze Requirements, Best Available Retrofit Technology'', ''Section X.A. General Requirements and Applicability'', ''Section X.B. Davis County'', ''Section X.E. Weber County'', ''Section X.F. Cache County'', ''Section XX.A. Executive Summary'', ''Section XX.B. Background on the Regional Haze Rule'', ''Section XX.C. Long-Term Strategy for the Clean-Air Corridor'', ''Section XX.D. Long-Term Strategy for Stationary Sources'', ''Section XX.E. Sulfur Dioxide Milestones and Backstop Trading Program'', ''Section XX.F. Long-Term Strategy for Mobile Sources'', ''Section XVII.G. Regional Haze'', ''Section XX.H. Assessment of Emissions from Paved and Unpaved Road Dust'', ''Section XX.I. Pollution Prevention and Renewable Energy Programs'', ''Section XX.J. Other GCVTC Recommendations'', ''Section XX.K. Projection of Visibility Improvement Anticipated from Long-Term Strategy'', ''Section XX.L. Periodic Implementation Plan Revisions'', ''Section XX.M. State Planning/Interstate Coordination and Tribal Implementation'', and ''Section XX.N. Enforceable Commitments for the Utah Regional Haze SIP'', the ''Final rule citation, date'' column was corrected to the correct citation and/or date.

[2] *See* 81 FR 39197 (June 16, 2016).

P. Under the ''Maintenance Plans'', specifically ''Salt Lake County Particulate Matter (PM_{10}) Attainment Plan Summary'', ''Utah County Particulate Matter (PM_{10}) Attainment Plan Summary'', ''Ogden City Particulate Matter (PM_{10}) Attainment Plan Summary'', and ''Logan, UT–ID Fine Particulate Matter ($PM_{2.5}$) Attainment Plan Summary'', the ''Final rule citation, date'' column was corrected to the correct citation and/or date.

Q. Under the ''Utah SIP Sections'', ''Rule Title'', specifically ''Section XX.G. Long-Term Strategy for Fire Programs'' the ''State Effective'' date column was corrected to the correct date.

R. Under the ''Utah SIP Sections'', ''Rule Title'', specifically ''Section IX.G. Fluoride'' was repealed within the May 20, 2002 (67 FR 35442) action; therefore, it has been removed from Table 1 to Paragraph (c).

S. Under the ''Maintenance Plans'' section, specifically ''Salt Lake and Davis County Ozone Maintenance Plan Summary'' was renamed to ''Salt Lake and Davis County 1979 1-Hour Ozone Maintenance Plan'', in Table 1 to Paragraph (c) and had the ''State effective date'', ''Final rule citation, date'', and ''Comments'' added back into in Table 1 to Paragraph (c) since they were inadvertently removed in Table 3 to Paragraph (e) to provide better clarification.

T. Under the ''Maintenance Plans'' section, specifically ''Salt Lake County Particulate Matter (PM_{10}) Attainment Plan Summary'' was renamed to ''Salt Lake County 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan'', in Table 1 to Paragraph (c) to provide better clarification.

U. Under the ''Maintenance Plans'' section, specifically ''Utah County Particulate Matter (PM_{10}) Attainment Plan Summary'' was renamed to ''Utah County 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan'', in Table 1 to Paragraph (c) to provide better clarification.

V. Under the ''Maintenance Plans'' section, specifically ''Ogden City Particulate Matter (PM_{10}) Attainment Plan Summary'' was renamed to ''Ogden City 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan'', in Table 1 to Paragraph (c) to provide better clarification.

W. Under the ''Maintenance Plans'' section, specifically ''Logan, UT–ID Fine Particulate Matter ($PM_{2.5}$) Attainment Plan Summary'' was renamed to ''Logan, UT–ID 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan'', in Table 1 to Paragraph (c) to provide better clarification.

X. Under the ''Maintenance Plans'' section, specifically ''Salt Lake and Davis County 1997 8-Hour Ozone Maintenance Plan'', was added back into Table 1 to Paragraph (c) since it was inadvertently removed from Table 3 to Paragraph (e).

Y. Under the ''Maintenance Plans'' section, specifically ''Salt Lake and Tooele Counties Sulfur Dioxide (SO_2) Plan Summary'', was removed from Table 1 to Paragraph (c) since it was inadvertently included in Table 3 to Paragraph (e).

Z. Under the ''Maintenance Plans'' section, specifically ''Salt Lake City Carbon Monoxide (CO) Maintenance Plan'' and ''Ogden Carbon Monoxide (CO) Maintenance Plan'', in Table 1 to Paragraph (c) had the ''State effective date'', ''Final rule citation, date'', and ''Comments'' added back into in Table 1 to Paragraph (c) since they were inadvertently removed in Table 3 to Paragraph (e).

Changes Applicable to Table 2 to Paragraph (d); EPA-approved nonregulatory provisions.

A. Table 2 to Paragraph (d) was updated to have each document in chronological order for ''Hill Air Force Base Ozone NAAQS Approval Orders'' and ''Salt Lake County Ozone NAAQS Approval Orders'' that are titled under ''Rule Title''.

B. Table 2 to Paragraph (d) was updated to correct provision titles that were incorrectly titled.

Changes Applicable to Table 3 to Paragraph (e), EPA-approved nonregulatory provisions.

A. Table 3 to Paragraph (e) was updated to remove certain SIP revisions that were inadvertently approved into Table 3 to Paragraph (e) and should have been approved into Table 1 to Paragraph (c).

B. Table 3 to Paragraph (e) was updated to include a new title row, ''Ozone''.

C. Under the ''Rule Title'', specifically ''Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories'' and ''Ozone (8-hour, 2015) NNSR Certification'', the ''Final Rule, Citation Date'' date column was corrected to the correct citation and/or date.

III. Good Cause Exemption

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(B) of the Administrative Procedure Act (APA) which, upon a finding of ''good cause'' authorizes agencies to dispense with public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs, makes typographical/ministerial revisions to the tables in the CFR, and makes ministerial changes to the prefatory heading to the tables in the CFR.

Under section 553(b)(B) of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification (and corrections) only reflects existing State law and the changes to the tables are ministerial in nature. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Utah SIP Compilation and notice of corrections/clarifications to the Utah SIP portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR ''Identification of Plan'' section.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes IBR. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the IBR of regulations promulgated by Utah, previously approved by the EPA and federally effective before January 5, 2026, contained in ''Utah State Implementation Plan, Volume 1, 40 CFR 52.2320(c), EPA-approved Utah State Regulations'' and ''Utah State Implementation Plan, Volume 2, 40 CFR 52.2320(d), EPA-approved Source-specific Requirements.'' The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 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 Clean Air Act.

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).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

The EPA also believes that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Utah SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United State Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 30, 2026.

Cyrus M. Western,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

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 TT—Utah

■ 2. Amend § 52.2320 by:

■ a. Revising paragraph (b); and

■ b. Revising and republishing tables (c), (d), and (e).

The revisions and republications read as follows:

§ 52.2320 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to January 5, 2026, for the State of Utah, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notice of any change in the material will be published in the **Federal Register**. Entries for paragraphs (c) and (d) of this section with EPA approval dates after January 5, 2026, for the State of Utah, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of January 5, 2026.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. To obtain the material please call (303) 312–6312. You may inspect the material with an EPA approval date prior to January 5, 2026, 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*.

(c) *EPA-approved regulations.*

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–101. General Requirements				
R307–101–01	Foreword	11/8/2012	81 FR 4959, 1/29/2016.	
R307–101–02	Definitions	8/2/2018	84 FR 35831, 7/25/2019.	
R307–101–03	Version of Code of Federal Regulations Incorporated by Reference.	6/4/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 7/10/2020.

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–102. General Requirements: Broadly Applicable Requirements				
R307–102	General Requirements: Broadly Applicable Requirements.	11/8/2012	81 FR 4959, 1/29/2016.	
R307–104. Conflict of Interest				
R307–104–01	Authority	3/3/2016	81 FR 50626, 8/2/2016.	
R307–104–02	Purpose	3/3/2016	81 FR 50626, 8/2/2016.	
R307–104–03	Disclosure of Conflict of Interest	3/3/2016	81 FR 50626, 8/2/2016.	
R307–105. General Requirements: Emergency Controls				
R307–105–01	Air Pollution Emergency Episodes.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–105–02	Emergency Actions	9/15/1998	71 FR 7679, 2/14/2006.	
R307–107. General Requirements: Breakdowns				
R307–107	General Requirements: Breakdowns.	7/31/2012	79 FR 7067, 2/6/2014	
R307–110. General Requirements: State Implementation Plan				
R307–110–01	Incorporation by Reference	12/6/2012	80 FR 54237, 9/9/2015.	
R307–110–02	Section I. Legal Authority	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–03	Section II. Review of New and Modified Air Pollution Sources.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–04	Section III. Source Surveillance	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–05	Section IV. Ambient Air Monitoring Program.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–06	Section V. Resources	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–07	Section VI. Intergovernmental Cooperation.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–08	Section VII. Prevention of Air Pollution Emergency Episodes.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–09	Section VIII. Prevention of Significant Deterioration.	6/16/2006	76 FR 41712, 7/15/2011.	
R307–110–10	Section IX. Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.	12/5/2019	90 FR 51999, 11/19/2025.	
R307–110–11	Section IX. Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–12	Section IX. Control Measures for Area and Point Sources, Part C, Carbon Monoxide.	6/7/2018	85 FR 35809, 6/12/2020.	Only include provisions incorporated from Section IX, Part C.6 (Provo).
R307–110–13	Section IX. Control Measures for Area and Point Sources, Part D, Ozone.	3/9/2007	78 FR 59242, 9/26/2013.	Only to the extent described in the **Federal Register** approving the 1997 8-hour ozone maintenance plan.
R307–110–14	Section IX. Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–15	Section IX. Control Measures for Area and Point Sources, Part F, Lead.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–17	Section IX. Control Measures for Area and Point Sources, Part H, Emission Limits.	7/2/2025	90 FR 51999, 11/19/2025.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–110–19	Section XI. Other Control Measures for Mobile Sources.	2/10/2000	65 FR 37286, 6/14/2000.	
R307–110–20	Section XII. Transportation Conformity Consultation.	5/2/2007	73 FR 51222, 9/2/2008.	
R307–110–21	Section XIII. Analysis of Plan Impact.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–22	Section XIV. Comprehensive Emission Inventory.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–23	Section XV. Utah Code Title 19, Chapter 2, Air Conservation Act.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–24	Section XVI. Public Notification	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–25	Section XVII. Visibility Protection.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–26	Section XVIII. Demonstration of GEP Stack Height.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–27	Section XIX. Small Business Assistance Program.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–28	Section XX. Regional Haze	1/6/2022	89 FR 95117, 12/2/2024.	Except for long-term strategy, reasonable progress goals, and FLM consultation.
R307–110–30	Section XXII. General Conformity.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–110–31	Section X. Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.	9/5/2019	86 FR 27035, 5/19/2021.	
R307–110–32	Section X. Vehicle Inspection and Maintenance Program, Part B, Davis County.	3/4/2020	89 FR 54358, 7/1/2024.	Excluding appendix D.
R307–110–33	Section X. Vehicle Inspection and Maintenance Program, Part C, Salt Lake County.	10/7/2004	70 FR 44055, 8/1/2005.	
R307–110–34	Section X. Vehicle Inspection and Maintenance Program, Part D, Utah County.	5/18/2004	70 FR 66264, 11/2/2005.	
R307–110–35	Section X. Vehicle Inspection and Maintenance Program, Part E, Weber County.	3/4/2020	89 FR 54358, 7/1/2024.	
R307–110–36	Section X. Vehicle Inspection and Maintenance Program, Part F, Cache County.	9/5/2019	86 FR 27035, 5/19/2021.	
R307–110–37	Section XXIII. Interstate Transport.	12/6/2012	81 FR 4959, 1/29/2016.	
R307–115. General Conformity				
R307–115–01	Determining Conformity	2/8/2008	73 FR 51222, 9/2/2008.	
R307–130. General Penalty Policy				
R307–130–01	Scope	9/15/1998	71 FR 7679, 2/14/2006.	
R307–130–02	Categories	9/15/1998	71 FR 7679, 2/14/2006.	
R307–130–03	Adjustments	9/15/1998	71 FR 7679, 2/14/2006.	
R307–130–04	Options	7/13/2007	73 FR 16543, 3/28/2008.	
R307–150. Emission Inventories				
R307–150–01	Purpose and General Requirements.	3/5/2018	87 FR 54898, 9/8/2022.	Previous SIP approvals: 12/14/2012; 4/25/2022.
R307–150–02	Definitions	9/3/2020	87 FR 24273, 4/25/2022.	
R307–150–03	Applicability	9/3/2020	87 FR 24273, 4/25/2022.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–150–04	Sulfur Dioxide Milestone Inventory Requirements.	9/3/2020	87 FR 24273, 4/25/2022.	
R307–150–05	Sources Identified in R307–150–3(2), Large Major Source Inventory Requirements.	9/3/2020	87 FR 24273, 4/25/2022.	
R307–150–06	Sources Identified in R307–150–3(3).	9/3/2020	87 FR 24273, 4/25/2022.	
R307–150–07	Exempted Hazardous Air Pollutants.	9/3/2020	87 FR 24273, 4/25/2022.	
R307–150–09	Annual Ozone Emission Statement.	9/3/2020	87 FR 24273, 4/25/2022.	
R307–165. Emission Testing				
R307–165–01	Purpose and Applicability	8/10/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 71 FR 7679, 2/14/2006.
R307–165–02	Testing Frequency	8/10/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 71 FR 7679, 2/14/2006.
R307–165–03	Notification of DAQ	8/10/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 71 FR 7679, 2/14/2006.
R307–165–04	Test Conditions	8/10/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 71 FR 7679, 2/14/2006.
R307–165–05	Reporting	8/10/2020	87 FR 54898, 9/8/2022.	
R307–165–06	Rejection of Test Results	8/10/2020	87 FR 54898, 9/8/2022.	
R307–170. Continuous Emission Monitoring Program				
R307–170–01	Purpose	4/1/1999	68 FR 26210, 5/15/2003.	
R307–170–02	Authority	4/1/1999	68 FR 26210, 5/15/2003.	
R307–170–03	Applicability	4/1/1999	68 FR 26210, 5/15/2003.	
R307–170–04	Definitions	1/5/2006	71 FR 64125, 11/1/2006.	
R307–170–05	General Requirements	1/5/2006	71 FR 64125, 11/1/2006.	
R307–170–06	Minimum Monitoring Requirements for Specific Sources.	4/1/1999	68 FR 26210, 5/15/2003.	
R307–170–07	Performance Specification Audits.	2/8/2008	73 FR 51222, 9/2/2008.	
R307–170–08	Recordkeeping	4/1/1999	68 FR 26210, 5/15/2003.	
R307–170–09	State Electronic Data Report	1/5/2006	71 FR 64125, 11/1/2006.	
R307–201. Emission Standards: General Emission Standards				
R307–201	Emission Standards: General Emission Standards.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–202. Emission Standards: General Burning				
R307–202	Emission Standards: General Burning.	10/6/2014	82 FR 46915, 10/10/2017.	
R307–203. Emission Standards: Sulfur Content of Fuels				
R307–203	Emission Standards: Sulfur Content of Fuels.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–204. Emission Standards: Smoke Management				
R307–204–01	Purpose and Goals	9/5/2019	86 FR 24728, 5/10/2021.	
R307–204–02	Applicability	9/5/2019	86 FR 24728, 5/10/2021.	
R307–204–03	Definitions	9/5/2019	86 FR 24728, 5/10/2021.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–204–04	General Requirements	9/5/2019	86 FR 24728, 5/10/2021.	
R307–204–05	Burn Schedule	9/5/2019	86 FR 24728, 5/10/2021.	
R307–204–06	Small Prescribed Fires (de minimis).	9/5/2019	86 FR 24728, 5/10/2021.	
R307–204–07	Large Prescribed Fires	9/5/2019	86 FR 24728, 5/10/2021.	
R307–206. Emission Standards: Abrasive Blasting				
R307–206	Emission Standards: Abrasive Blasting.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–208. Outdoor Wood Boilers				
R307–208	Outdoor Wood Boilers	4/10/2013	89 FR 54358, 7/1/2024.	
R307–221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills				
R307–221–01	Purpose and Applicability	1/7/1999	74 FR 1899, 1/14/2009.	
R307–230. NO_X Emision Limits for Natural Gas-Fired Water Heaters				
R307–230	NO_x Emission Limits for Natural Gas-Fired Water Heaters.	4/3/2017	89 FR 54358, 7/1/2024.	
R307–250. Western Backstop Sulfur Dioxide Trading Program				
R307–250–01	Purpose	12/31/2003	77 FR 74355, 12/14/2012.	
R307–250–02	Definitions	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–03	WEB Trading Program Trigger	12/31/2003	77 FR 74355, 12/14/2012.	
R307–250–04	WEB Trading Program Applicability.	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–05	Account Representative for WEB Sources.	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–06	Registration	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–07	Allowance Allocations	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–08	Establishment of Accounts	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–09	Monitoring, Recordkeeping and Reporting.	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–10	Allowance Transfers	12/31/2003	77 FR 74355, 12/14/2012.	
R307–250–11	Use of Allowances from a Previous Year.	12/31/2003	77 FR 74355, 12/14/2012.	
R307–250–12	Compliance	11/10/2008	77 FR 74355, 12/14/2012.	
R307–250–13	Special Penalty Provisions for the 2018 Milestone.	12/31/2003	77 FR 74355, 12/14/2012.	
R307–301. Utah and Weber Counties: Oxygenated Gasoline Program				
R307–301–01	Definitions	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–02	Applicability and Control Period Start Dates.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–03	Average Oxygen Content Standard.	9/10/2001	67 FR 59165, 9/20/2002.	
R307–301–04	Sampling, Testing, and Oxygen Content Calculations.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–05	Alternative Compliance Options	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–06	Minimum Oxygen Content	9/15/1998	71 FR 7679, 2/14/2006.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–301–07	Registration	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–08	Recordkeeping	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–09	Reports	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–10	Transfer Documents	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–11	Prohibited Activities	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–12	Labeling of Pumps	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–13	Inspections	9/15/1998	71 FR 7679, 2/14/2006.	
R307–301–14	Public and Industry Education Program.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–302. Solid Fuel Burning Devices				
R307–302–01	Purpose and Definitions	2/1/2017	85 FR 10989, 2/26/2020.	
R307–302–02	Applicability	2/1/2017	85 FR 10989, 2/26/2020.	
R307–302–03	No-Burn Periods for Particulates	2/1/2017	85 FR 10989, 2/26/2020.	
R307–302–04	No-Burn Periods for Carbon Monoxide.	2/1/2017	85 FR 10989, 2/26/2020.	
R307–302–05	Opacity and Prohibited Fuels for Heating Appliances.	2/1/2017	85 FR 10989, 2/26/2020.	
R307–302–06	Prohibition	2/1/2017	85 FR 10989, 2/26/2020.	
R307–303. Commercial Cooking				
R307–303	Commercial Cooking	4/10/2013	81 FR 9343, 2/25/2016.	
R307–304. Solvent Cleaning				
R307–304	Solvent Cleaning	12/6/2017	89 FR 54358, 7/1/2024.	
R307–305. Davis, Salt Lake, and Utah Counties and Ogden City, and Nonattainment Areas for PM_{10}: Particulates				
R307–305	Davis, Salt Lake, and Utah Counties and Ogden City, and Nonattainment Areas for PM_{10}: Particulates.	9/15/1998	71 FR 7679, 2/14/2006.	
R307–306. PM_{10} Nonattainment and Maintenance Areas: Abrasive Blasting				
R307–306–01	Purpose	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–02	Definitions	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–03	Applicability	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–04	Visible Emission Standard	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–05	Visible Emission Evaluation Techniques.	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–06	Performance Standards	9/2/2005	87 FR 54898, 9/8/2022.	
R307–306–07	Compliance Schedule	9/2/2005	87 FR 54898, 9/8/2022.	
R307–307. Road Salting and Sanding				
R307–307	Road Salting and Sanding	2/1/2013	81 FR 9343, 2/25/2016.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–309. Nonattainment and Maintenance Areas for PM_{10} and $PM_{2.5}$: Fugitive Emissions and Fugitive Dust				
R307–309	Nonattainment and Maintenance Areas for PM_{10} and $PM_{2.5}$: Fugitive Emissions and Fugitive Dust.	8/4/2017	84 FR 52368, 10/2/2019.	
R307–310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity				
R307–310–01	Purpose	5/13/2002	67 FR 44065, 7/1/2002.	
R307–310–02	Definitions	2/8/2008	73 FR 51222, 9/2/2008.	
R307–310–03	Applicability	5/13/2002	67 FR 44065, 7/1/2002.	
R307–310–04	Trading Between Emission Budgets.	5/13/2002	67 FR 44065, 7/1/2002.	
R307–311. Utah County: Trading of Emission Budgets for Transportation Conformity				
R307–311	Utah County: Trading of Emission Budgets for Transportation Conformity.	3/5/2015	80 FR 28193, 5/18/2015.	
R307–312. Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas				
R307–312	Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas.	2/4/2016	81 FR 71988, 10/19/2016.	
R307–325. Ozone Nonattainment and Maintenance Areas: General Requirements				
R307–325	Ozone Nonattainment and Maintenance Areas: General Requirements.	3/9/2007	78 FR 59242, 9/26/2013.	
R307–326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries				
R307–326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.	3/9/2007	78 FR 59242, 9/26/2013.	
R307–327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage				
R307–327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.	3/9/2007	78 FR 59242, 9/26/2013.	
R307–328. Gasoline Transfer and Storage				
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R307–328	Gasoline Transfer and Storage	2/4/2016	81 FR 71988, 10/19/2016.	
R307–335. Degreasing				
R307–335	Degreasing	10/29/2017	89 FR 54358, 7/1/2024.	
R307–341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt				
R307–341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.	1/16/2007	78 FR 59242, 9/26/2013.	
R307–342. Adhesives and Sealants				
R307–342	Adhesives and Sealants	8/15/2013	81 FR 9343, 2/25/2016.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–343. Wood Furniture Manufacturing Operations				
R307–343	Wood Furniture Manufacturing Operations.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–344. Paper, Film, and Foil Coatings				
R307–344	Paper, Film, and Foil Coatings ..	12/6/2017	89 FR 54358, 7/1/2024.	
R307–345. Fabric and Vinyl Coatings				
R307–345	Fabric and Vinyl Coatings	12/6/2017	89 FR 54358, 7/1/2024.	
R307–346. Metal Furniture and Surface Coatings				
R307–346	Metal Furniture and Surface Coatings.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–347. Large Appliance Surface Coatings				
R307–347	Large Appliance Surface Coatings.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–348. Magnet Wire Coatings				
R307–348	Magnet Wire Coatings	12/6/2017	89 FR 54358, 7/1/2024.	
R307–349. Flat Wood Panel Coatings				
R307–349	Flat Wood Panel Coatings	12/6/2017	89 FR 54358, 7/1/2024.	
R307–350. Miscellaneous Metal Parts and Products Coatings				
R307–350	Miscellaneous Metal Parts and Products Coatings.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–351. Graphic Arts				
R307–351	Graphic Arts	12/6/2017	89 FR 54358, 7/1/2024.	
R307–352. Metal Container, Closure, and Coil Coatings				
R307–352	Metal Container, Closure, and Coil Coatings.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–353. Plastic Parts Coatings				
R307–353	Plastic Parts Coatings	12/6/2017	89 FR 54358, 7/1/2024.	
R307–354. Automotive Refinishing Coatings				
R307–354	Automotive Refinishing Coatings	12/6/2017	89 FR 54358, 7/1/2024.	
R307–355. Aerospace Manufacture and Rework Facilities				
R307–355	Aerospace Manufacture and Rework Facilities.	12/6/2017	89 FR 54358, 7/1/2024.	
R307–356. Appliance Pilot Light				
R307–356	Appliance Pilot Light	1/15/2013	81 FR 9343, 2/25/2016.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–357. Consumer Products				
R307–357	Consumer Products	8/15/2013	81 FR 9343, 2/25/2016.	Except R307–357–4.
R307–357–04	Standards	6/1/2014	81 FR 9343, 2/25/2016.	
R307–361. Architectural Coatings				
R307–361	Architectural Coatings	11/15/2013	81 FR 9343, 2/25/2016.	
R307–401. Permit: New and Modified Sources				
R307–401–01	Purpose	6/16/2006	79 FR 7072, 2/6/2014	
R307–401–02	Definitions	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–03	Applicability	6/16/2006	79 FR 7072, 2/6/2014	
R307–401–04	General Requirements	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–05	Notice of Intent	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–06	Review Period	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–07	Public Notice	11/1/2013	81 FR 4959, 1/29/2016.	
R307–401–08	Approval Order	6/16/2006	79 FR 7072, 2/6/2014	
R307–401–09	Small Source Exemption	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–10	Source Category Exemptions	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–11	Replacement-in-Kind Equipment	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–12	Reduction in Air Contaminants	8/7/2014	81 FR 46836, 7/19/2016.	
R307–401–13	Plantwide Applicability Limits	6/16/2006	79 FR 7072, 2/6/2014	
R307–401–14	Used Oil Fuel Burned for Energy Recovery.	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–15	Air Strippers and Soil Venting Projects.	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–16	De Minimis Emissions from Soil Aeration Projects.	3/5/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 79 FR 7072, 2/6/2014.
R307–401–17	Temporary Relocation	6/16/2006	79 FR 7072, 2/6/2014	
R307–401–18	Eighteen Month Review	6/16/2006	79 FR 7072, 2/6/2014	
R307–403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas				
R307–403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.	9/15/1998	71 FR 7679, 2/14/2006.	Except for R307–403–1, R307–403–2, R307–403–6, R307–403–10, R307–403–11.
R307–403–01	Purpose and Definitions	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–02	Applicability	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–03	Review of Major Sources of Air Quality Impact.	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–04	Offsets: General Requirements	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–05	Offsets: Particulate Matter Nonattainment Areas.	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–06	Offsets: Ozone Nonattainment Areas.	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–07	Offsets: Baseline	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–09	Construction in Stages	8/2/2018	84 FR 35831, 7/25/2019.	
R307–403–10	Analysis of Alternatives	8/2/2018	84 FR 35831, 7/25/2019.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–403–11	Actual PALS	8/2/2018	84 FR 35831, 7/25/2019.	
R307–405. Permits: Major Sources in Attainment or Unclassified Areas (PSD)				
R307–405–01	Purpose	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–02	Applicability	6/4/2020	87 FR 54898, 9/8/2022.	Previous SIP approval: 85 FR 41398, 7/10/2020.
R307–405–03	Definitions	2/2/2012	81 FR 46836, 7/19/2016.	
R307–405–04	Area Designations	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–05	Area Redesignation	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–06	Ambient Air Increments	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–07	Ambient Air Ceilings	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–08	Exclusions from Increment Consumption.	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–09	Stack Heights	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–10	Exemptions	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–11	Control Technology Review	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–12	Source Impact Analysis	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–13	Air Quality Models	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–14	Air Quality Analysis	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–15	Source Information	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–16	Additional Impact Analysis	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–17	Sources Impacting Federal Class I Areas: Additional Requirements.	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–18	Public Participation	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–19	Source Obligation	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–20	Innovative Control Technology	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–21	Actual PALs	1/11/2008	76 FR 41712, 7/15/2011.	
R307–405–22	Banking of Emission Offset Credit in PSD Areas.	1/11/2008	76 FR 41712, 7/15/2011.	
R307–406. Visibility				
R307–406	Visibility	9/15/1998	71 FR 7679, 2/14/2016.	
R307–410. Permits: Emissions Impact Analysis				
R307–410–01	Purpose	6/6/2006	79 FR 7072, 2/6/2014	
R307–410–02	Definitions	8/7/2014	81 FR 46836, 7/19/2016.	
R307–410–03	Use of Dispersion Models	6/4/2020	87 FR 54898, 9/8/2022.	
R307–410–04	Modeling of Criteria Pollutant Impacts in Attainment Areas.	8/6/2020	87 FR 54898, 9/8/2022.	
R307–410–06	Stack Heights and Dispersion Techniques.	8/7/2014	81 FR 46836, 7/19/2016.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
R307–413. Permits: Exemptions and Special Provisions				
[R307–7]	Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery.	11/15/1996	67 FR 35442, 5/20/2002.	Recodification not approved for R307–413–01 through R307–413–06. R307–413–7 was moved to R307–401–14, and R307–413–8 and R307–413–9 were moved to R307–401–15 with the May 13, 2014 (79 FR 27190) action.
R307–414. Permits: Fees for Approval Orders				
R307–414	Permits: Fees for Approval Orders.	12/7/2000	72 FR 4641, 2/1/2007	
R307–420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties				
R307–420–01	Purpose	7/1/2013	82 FR 46417, 10/5/2017.	
R307–420–02	Definitions	7/1/2013	82 FR 46417, 10/5/2017.	
R307–420–03	Applicability	7/1/2013	82 FR 46417, 10/5/2017.	
R307–420–04	General Requirements	7/1/2013	82 FR 46417, 10/5/2017.	
R307–420–05	Contingency Measure: Offsets for Oxides of Nitrogen.	7/1/2013	82 FR 46417, 10/5/2017.	
Utah SIP Sections				
Incorporated through: R307–110–02.	Section I. Legal Authority	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–03.	Section II. Review of New and Modified Air Pollution Sources.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–04.	Section III. Source Surveillance	1/1/2003	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.A. Introduction	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.B. Air Quality Surveillance Network Design.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.C. Network Description.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.D. Data Reporting	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.E. Episode Monitoring.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–05.	Section IV.F. Annual Review	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–06.	Section V. Resources	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–07.	Section VI. Intergovernmental Cooperation.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–08.	Section VII. Prevention of Air Pollution Emergency Episodes.	1/1/2003	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–09.	Section VIII. Prevention of Significant Deterioration.	6/16/2006	76 FR 41712, 7/15/2011.	
IX. Control Measures for Area and Point Sources				
Incorporated through: R307–110–10.	Section IX.A.1. Fine Particulate Matter (PM_{10}), Area Designation Background.	8/14/1991	59 FR 35036, 7/8/1994.	
Incorporated through: R307–110–10.	Section IX.A.2. Fine Particulate Matter (PM_{10}), PM_{10} Concentrations.	8/14/1991	59 FR 35036, 7/8/1994.	
Incorporated through: R307–110–10.	Section IX.A.3. Fine Particulate Matter (PM_{10}), Utah County.	9/5/2002	67 FR 78181, 12/23/2002.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
Incorporated through: R307–110–10.	Section IX.A.4. Fine Particulate Matter (PM_{10}), Salt Lake County—Magna.	8/14/1991	59 FR 35036, 7/8/1994.	
Incorporated through: R307–110–10.	Section IX.A.5. Fine Particulate Matter (PM_{10}), Salt Lake Nonattainment Area.	8/14/1991	59 FR 35036, 7/8/1994.	
Incorporated through: R307–110–10.	Section IX.A.6. Fine Particulate Matter (PM_{10}), Control Strategies.	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A.7. Fine Particulate Matter (PM_{10}), Maintenance.	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A.8. Fine Particulate Matter (PM_{10}), Contingency Measures.	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A.9. Fine Particulate Matter (PM_{10}), Annual Average.	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A.10. Fine Particulate Matter (PM_{10}), Transportation Conformity.	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A. Fine Particulate Matter (PM_{10}), Appendix A—Emission Limitations and Operating Practices (Davis and Salt Lake Counties).	9/5/2002	67 FR 78181, 12/23/2002.	
Incorporated through: R307–110–10.	Section IX.A.23. Fine Particulate Matter, $PM_{2.5}$ SIP for the Logan, UT–ID Nonattainment Area.	12/4/2014	83 FR 59315, 11/23/2018.	Except for Chapters 1–3, Area Sources found in Chapter 6.6, Chapter 8 and Chapter 9.
Incorporated through: R307–110–11.	Section IX.B. Sulfur Dioxide	1/1/2003	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–12.	Section IX.C. Carbon Monoxide	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–12.	Section IX.C.6. Carbon Monoxide, Provo.	6/7/2018	85 FR 35809, 6/12/2020.	
Incorporated through: R307–110–12.	Section IX.C.7. Carbon Monoxide Maintenance Provision for Salt Lake City.	12/2/2004	70 FR 44055, 8/1/2005.	
Incorporated through: R307–110–12.	Section IX.C.8. Carbon Monoxide Maintenance Provisions for Ogden.	1/4/2005	70 FR 54267, 9/14/2005.	
Incorporated through: R307–110–13.	Section IX.D. 8-Hour Ozone Maintenance Provisions for Salt Lake and Davis Counties.	1/3/2007	78 FR 59242, 9/26/2013.	With exceptions identified in document.
Incorporated through: R307–110–14.	Section IX.E. Nitrogen Dioxide ..	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–15.	Section IX.F. Lead	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–17.	Section IX.H.1. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM_{10} Requirements.	1/3/2019	85 FR 10989, 2/26/2020.	
Incorporated through: R307–110–17.	Section IX.H.2. Source Specific Emission Limitations in Salt Lake County PM_{10} Nonattainment/Maintenance Area.	1/3/2019	85 FR 10989, 2/26/2020.	
Incorporated through: R307–110–17.	Section IX.H.3. Source Specific Emission Limitations in Utah County PM_{10} Nonattainment/Maintenance Area.	12/3/2015	82 FR 47149, 10/11/2017.	
Incorporated through: R307–110–17.	Section IX.H.4. Interim Emission Limits and Operating Practices.	12/3/2015	82 FR 47149, 10/11/2017.	
Incorporated through: R307–110–17.	Section IX.H.11. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, $PM_{2.5}$.	7/2/2025	90 FR 51999, 11/19/2025.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
Incorporated through: R307–110–17.	Section IX.H.12. Source-Specific Emission Limitations in Salt Lake City—UT $PM_{2.5}$ Nonattainment Area.	7/2/2025	90 FR 51999, 11/19/2025.	
Incorporated through: R307–110–17.	Section IX.H.13 Source-Specific Emission Limitations in Provo—UT $PM_{2.5}$ Nonattainment Area.	1/2/2019	90 FR 51999, 11/19/2025.	
Incorporated through: R307–110–17.	Section IX.H.21. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements.	11/25/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–17.	Section IX.H.22. Source Specific Emission Limitations: Regional Haze Requirements, Best Available Retrofit Technology.	11/25/2019	85 FR 75860, 11/27/2020.	
X. Vehicle Inspection and Maintenance Program				
Incorporated through: R307–110–31.	Section X.A. General Requirements and Applicability.	9/5/2019	86 FR 27035, 5/19/2021.	
Incorporated through: R307–110–32.	Section X.B. Davis County	3/4/2020	89 FR 54358, 7/1/2024.	
Incorporated through: R307–110–33.	Section X.C. Salt Lake County ..	10/7/2004	70 FR 44055, 8/1/2005.	
Incorporated through: R307–110–34.	Section X.D. Utah County	5/18/2004	70 FR 66264, 11/2/2005.	
Incorporated through: R307–110–35.	Section X.E. Weber County	3/4/2020	89 FR 54358, 7/1/2024.	
Incorporated through: R307–110–36.	Section X.F. Cache County	9/5/2019	86 FR 27035, 5/19/2021.	
Incorporated through: R307–110–19.	Section XI. Other Control Measures for Mobile Sources.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–20.	Section XII. Transportation Conformity Consultation.	5/2/2007	73 FR 51222, 9/2/2008.	
Incorporated through: R307–110–21.	Section XIII. Analysis of Plan Impact.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–22.	Section XIV. Emission Inventory Development.	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–23.	Section XV. Title 19, Chapter 2 Utah Code Annotated, 1993.	11/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–24.	Section XVI. Public Notification	11/12/1993	68 FR 37744, 6/25/2003.	
XVII. Visibility Protection				
Incorporated through: R307–110–25.	Section XVII.A. Introduction	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.B. Background	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.C. Visibility Protection.	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.D. Visibility Monitoring.	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.E. New or Modified Source Analysis of Visibility Impact.	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.F. Existing Source Visibility Impact and BART.	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.G. Regional Haze	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.H. Long Term Plan to Show Progress Toward Improved Visibility.	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–25.	Section XVII.I. Visibility Progress Report.	4/12/1993	68 FR 37744, 6/25/2003.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
Incorporated through: R307–110–25.	Section XVII.J. Policy of the Air Conservation Committee Concerning the Protection of Scenic Views Associated with Mandatory Class I Areas from Significant Impairment for Visibility.	4/12/1993	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–26.	Section XVIII. Demonstration of GEP Stack Height.	2/25/2000	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–27.	Section XIX. Small Business Assistance Program.	11/12/1993	68 FR 37744, 6/25/2003.	
XX. Regional Haze				
Incorporated through: R307–110–28.	Section XX.A. Regional Haze Second Implementation Plan.	1/6/2022	89 FR 95117, 12/2/2024.	Except for long-term strategy, reasonable progress goals, and FLM consultation.
Incorporated through: R307–110–28.	Section XX.B. Background on the Regional Haze Rule.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.C. Long-Term Strategy for the Clean-Air Corridor.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.D. Long-Term Strategy for Stationary Sources.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.E. Sulfur Dioxide Milestones and Backstop Trading Program.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.F. Long-Term Strategy for Mobile Sources.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.G. Long-Term Strategy for Fire Programs.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.H. Assessment of Emissions from Paved and Unpaved Road Dust.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.I. Pollution Prevention and Renewable Energy Programs.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.J. Other GCVTC Recommendations.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.K. Projection of Visibility Improvement Anticipated from Long-Term Strategy.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.L. Periodic Implementation Plan Revisions.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.M. State Planning/Interstate Coordination and Tribal Implementation.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–28.	Section XX.N. Enforceable Commitments for the Utah Regional Haze SIP.	8/15/2019	85 FR 75860, 11/27/2020.	
Incorporated through: R307–110–30.	Section XXII. General Conformity.	1/1/2003	68 FR 37744, 6/25/2003.	
Incorporated through: R307–110–37.	Section XXIII. Interstate Transport.	2/9/2007	73 FR 16543, 3/28/2008.	
Maintenance Plans				
Incorporated through: R307–110–13.	Salt Lake and Davis County 1979 1-Hour Ozone Maintenance Plan.	2/19/1997	62 FR 38213, 7/17/1997.	
Incorporated through: R307–110–13.	Salt Lake and Davis County 1997 8-Hour Ozone Maintenance Plan.	1/3/2007	78 FR 59242, 9/26/2013.	
Incorporated through: R307–110–12.	Salt Lake City Carbon Monoxide (CO) Maintenance Plan.	12/2/2004	70 FR 44055, 8/1/2005.	
Incorporated through: R307–110–12.	Ogden Carbon Monoxide (CO) Maintenance Plan.	1/4/2005	70 FR 54267, 9/14/2005.	
Incorporated through: R307–110–12.	Provo Carbon Monoxide (CO) Maintenance Plan.	6/6/2018	85 FR 35809, 6/12/2020.	
Incorporated through: R307–110–10.	Salt Lake County 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan.	12/3/2015	85 FR 10989, 2/26/2020.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED UTAH REGULATIONS—Continued

Rule No.	Rule title	State effective date	Final rule, citation date	Comments
Incorporated through: R307–110–10.	Utah County 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan.	12/3/2015	85 FR 10989, 2/26/2020.	
Incorporated through: R307–110–10.	Ogden City 1987 Coarse Particulate Matter (PM_{10}) Maintenance Plan.	12/3/2015	85 FR 10989, 2/26/2020.	
Incorporated through: R307–110–10.	Logan, UT–ID 2006 24-Hour Fine Particulate Matter ($PM_{2.5}$) Maintenance Plan.	12/5/2019	86 FR 27035, 5/19/2021.	
Incorporated through: R307–110–10.	$PM_{2.5}$ Maintenance Provisions for the Provo, UT Nonattainment Area.	12/5/2019	90 FR 51999, 11/19/2025.	
Incorporated through: R307–110–10.	$PM_{2.5}$ Maintenance Provisions for the Salt Lake City, UT Nonattainment Area.	12/5/2019	90 FR 51999, 11/19/2025.	

(d) *EPA-approved source-specific requirements.*

TABLE 2 TO PARAGRAPH (d)—EPA-APPROVED SOURCE-SPECIFIC REQUIREMENTS

Rule title	State effective date	Final rule, citation date	Comments
Hill Air Force Base Ozone NAAQS Approval Orders			
Construction Approval Order (6/27/1978)	3/4/1997	62 FR 38213, 7/17/1997	
Air Quality Approval Order for Remodeling BX Service Station (7/12/1979)	3/4/1997	62 FR 38213, 7/17/1997	
Approval Order for Paint Booth, HVAC Modification, Standby Generators, and Fuel Storage Tanks, Davis County (7/18/1983).	3/4/1997	62 FR 38213, 7/17/1997	
Approval Order for Hydrazine Exhaust Incinerator, Davis County (2/5/1985)	3/4/1997	62 FR 38213, 7/17/1997	
Approval Order for Industrial Wastewater Treatment Facility, Davis County (2/20/1986).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–026–88, Approval Order for Paint Spray Booth in Building 1913 and Solvent Spray Booth in Building 1915, Davis County (1/20/1988).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–353–88, Approval Order for Two Cold Solvent Cleaning Tanks in Building 2013, Weber County (7/21/1988).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–525–88, Approval Order for Structural Repair and Maintenance Facility, Davis County (10/13/1988).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–669–88, Approval Order for Paint Distillation Unit in Building 514, Davis County (12/20/1988).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–039–91, Approval Order for Building 1701—Dip Tank, Bank Oven, Paint Booths, Davis County (2/7/1991).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–894–91, Approval Order; Wording Change to Approval Order Dated June 22, 1988, Davis County (11/25/1991).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–167–92, Approval Order for JP–4 Tank Throughput Limitations (2/19/1992).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–416–92, Approval Order for Industrial Wastewater Treatment Plant Sludge Dryers, Building 577, Davis County (4/28/1992).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–1171–92, Approval Order for Emergency Generators and Media Blast Booth, Davis County (1/4/1993).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–0103–93, Modified Approval Order for Aircraft Purge System Near Building 287, Davis County (2/11/1993).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–0719–93, Approval Order for Air Permit for Emergency Power Generators, Davis County (8/20/1993).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–0752–93, Modified Approval Order for: A. Replacement Boilers in Buildings 1624, 1904, 2104, 2203; B. Paint Spray Booth in Building 751; C. Carbon Brake Coating Process in Building 507; Davis County (8/27/1993).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–824–94, Approval Order for Used Oil Burner/Boiler Permit Modification, Davis County, (9/29/1994).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–915–94, Change of Jet Fuel from JP–4 to JP–8 (10/18/1994)	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–068–95, Support Document for Approval Order DAQE–067–95 (1/30/1995).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–067–95, Modified Approval Order to DAQE–1006–94, Paint Booth Consolidation (1/31/1995).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–403–95, Approval Order for Construction of Two Boilers Each in Buildings 1590 and 1703, Davis County (5/8/1995).	3/4/1997	62 FR 38213, 7/17/1997	

TABLE 2 TO PARAGRAPH (d)—EPA-APPROVED SOURCE-SPECIFIC REQUIREMENTS—Continued

Rule title	State effective date	Final rule, citation date	Comments
DAQE–775–95, Approval Order to Modify AO for Engine Test Facilities, Davis County (8/30/1995).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–860–95, Your Letter of 6 September 1995, Phase II Vapor Recovery at Building 545 (9/20/1995).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–1134–95, Approval Order for Setup Chemical Milling Process Line in Bldg 238, Davis County (12/7/1995).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–163–96, Approval Order for Medium Pressure Water & Chemical Paint Stripping of Aircraft, Davis County (2/9/1996).	3/4/1997	62 FR 38213, 7/17/1997	
Salt Lake County Ozone NAAQS Approval Orders			
DAQE–0063–94, PacifiCorp Gadsby Power Plant, Approval Order for SIP Change, Title V Major (2/3/1994).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–433–94, Kennecott Utah Copper—Utah Power Plant, Approval Order for RACT Analysis, Salt Lake County, Title V Major (5/27/1994).	3/4/1997	62 FR 38213, 7/17/1997	
DAQE–300–95, Olympia Sales Company, Approval Order Revised to Meet the Ozone Maintenance Plan, Salt Lake County, Toxic Major Title V Major (4/13/1995).	3/4/1997	62 FR 38213, 7/17/1997	

(e) *EPA-approved non-regulatory regulations.*

TABLE 3 TO PARAGRAPH (e)—EPA-APPROVED NON-REGULATORY REGULATIONS

Rule title	State effective date	Final rule, citation date	Comments
Regional Haze			
Progress Report for Utah's State Implementation Plan for Regional Haze.	2/4/2016	85 FR 64050, 10/9/2020	
Ozone			
Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories.	7/29/2020	86 FR 35404, 7/6/2021	
Ozone (8-hour, 2015) NNSR Certification	7/29/2021	87 FR 24273, 4/25/2022	

[FR Doc. 2026–23121 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2026–5678; FRL–13569–01]

Isocycloseram; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of isocycloseram, including its metabolites and degradates, in or on sunflowers. This action is in response to EPA's authorization of a specific exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sunflowers. This regulation establishes a maximum permissible level for residues of isocycloseram in or on sunflower, seed at 0.4 parts per million. The time-limited tolerance expires on December 31, 2029.

DATES: This rule is effective November 13, 2026. Objections and requests for hearings must be received on or before January 12, 2027 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2026–5678, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person

listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

In accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA) sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), EPA is establishing a time-limited tolerance for residues of isocycloseram, including its metabolites and degradates, in or on sunflowers at 0.4 parts per million (ppm). This time-limited tolerance expires on December 31, 2029.

C. How can I file an objection or hearing request?

Under section 408(g) of the FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2026–5678 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 12, 2027.

The EPA's Administrative Law Judges Division (ALJD), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Order Urging Electronic Filing and Service,'' dated December 3, 2025, which can be found at *https://www.epa.gov/system/files/documents/2025-12/2025-12-03-order-urging-electronic-filing-and-service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the ALJD electronically, a person should utilize the ALJD e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Background and Statutory Findings

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, (*i.e.,* without having received any petition from an outside party).

FFDCA Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Isocycloseram on Sunflowers and FFDCA Tolerance

The South Dakota Department of Agriculture and Natural Resources (DANR) utilized a specific exemption under FIFRA for the use of isocycloseram to control Red Sunflower Seed Weevil (RSSW). The applicant asserts that an emergency pest situation exists due to widespread infestations of RSSW. According to DANR, there is a lack of available insecticides to control these pests that are compatible with integrated pest management in sunflowers. Lacking effective controls, South Dakota sunflower growers face significant economic yield losses from severe RSSW infestations.

After having reviewed the specific exemption request, EPA authorized the specific exemption and determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of isocycloseram in or on sunflower, seed. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although this time-limited tolerance expires on December 31, 2029, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amount specified in the tolerance remaining in or on sunflowers after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this time-limited tolerance at the time of that application. EPA will take action to revoke the time-limited tolerance earlier if any experience with scientific data or other relevant information on this pesticide indicates that the residues are not safe.

Because this time-limited tolerance is being approved under emergency conditions, EPA has not made any decisions about whether isocycloseram

meets FIFRA's registration requirements for use on sunflowers or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of isocycloseram by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than South Dakota to use this pesticide on sunflowers under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for isocycloseram, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of the use proposed by this emergency exemption request and the time-limited tolerance for residues of isocycloseram on sunflowers at 0.4 ppm. EPA's assessment of exposures and risks associated with establishing the time-limited tolerance follows.

On November 20, 2025 (90 FR 52256), EPA published a final rule that established tolerances for residues of isocycloseram in or on multiple commodities based on the Agency's determination that aggregate exposure to isocycloseram resulting from the residues subject to those tolerances is safe for the U.S. general population, including infants and children. The toxicity profile for isocycloseram has not changed since the November 20, 2025 (90 FR 52256), rule was published, therefore EPA is relying upon the discussion of that profile (Unit III.A.), the identified toxicological endpoints (Unit III.A.), and the identified toxicological endpoints (Unit III B.), as part of this rulemaking.

EPA's most recent exposure assessment for isocycloseram appears in the comprehensive risk assessment dated June 26, 2026, and entitled, ''Isocycloseram. Human Health Risk Assessment for the Proposed Section 18 Emergency Exemption Request for Use on Sunflowers in South Dakota,'' as that assessment included dietary, occupational, and aggregate exposures to isocycloseram on sunflowers in South Dakota.

For aggregate risk assessment, risk estimates resulting from food, drinking water, and residential uses are combined. Acute, short-and intermediate-term, and long-term (chronic) aggregate assessments were performed for isocycloseram, and no risk estimates of concern were identified. Further information about EPA's risk assessment and determination of safety supporting these tolerances can be found at *http://www.regulations.gov* in the document entitled ''Isocycloseram: Human Health Risk Assessment for the Proposed Section 18 Emergency Exemption Request for Use on Sunflowers in South Dakota,'' dated June 26, 2026, identified by (docket ID EPA–HQ–OPP–2026–5678).

In the 2026 assessment, EPA conducted unrefined and slightly refined chronic dietary analyses for all current uses of isocycloseram together with the emergency use on sunflowers. The assessments incorporated tolerance-level residues, average residues for some commodities (chronic), the Agency's default and empirical processing factors, conservative drinking water estimates, and assumed that 100% of the proposed crops were treated. The results of the acute and chronic analyses do not exceed the Agency's level of concern. That is, <100% of the population adjusted dose (PAD) are not of concern for the general U.S. population and all population subgroups. There were no adverse effects seen up to the highest test doses, thus there is no risk concern from single (acute) exposures and acute risk estimates were not calculated. The chronic dietary (food and drinking water) risk estimates utilized 31% of the chronic PAD (cPAD) for the general U.S. population and utilized 67% of the cPAD for children 1–2 years old, the highest exposed population subgroup.

The short-term aggregate exposure assessment for isocycloseram is based on food and drinking water as well as residential uses. No acute or long-term (chronic) residential exposures are expected, therefore acute and chronic aggregate risks are equivalent to acute and chronic dietary exposure estimates, respectively. Since the dermal and incidental oral point of departures are the same for both short- and intermediate-term durations, the short-term aggregate risk estimates are considered protective of any potential intermediate-term exposures and risks. The short-term aggregate margin of exposure (MOE) for children 1 to <2 years old is 300; no aggregate risk estimates are of concern because EPA considers MOEs of less than 100 to be of concern for aggregate risk.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general U.S. population, or to infants and children from aggregate exposure to isocycloseram residues. More detailed information on the subject action to establish a time-limited tolerance on sunflowers can be found at *https://www.regulations.gov* in the document entitled ''Isocycloseram: Human Health Risk Assessment for the Proposed Section 18 Emergency Exemption Request for Use on Sunflowers in South Dakota.'' This document can be found in docket ID number EPA–HQ–OPP–2026–5678.

V. Other Considerations

A. Analytical Enforcement Methodology

QuEChERS high-performance liquid chromatography with mass-spectrometric detection (HPLC–MS/MS) multi-residue method (EN 15662:2009) has been independently validated for tolerance enforcement of parent isocycloseram in plant commodities at a limit of quantification (LOQ) of 0.01ppm. QuEChERS HPLC–MS/MS multi-residue method (EN 15662:2008) has been independently validated for tolerance enforcement of isocycloseram in livestock commodities at an LOQ of 0.01 ppm.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the

international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. There are no Codex or Canadian MRLs established on sunflowers.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of isocycloseram, in or on sunflower, seed at 0.4 ppm. This tolerance expires on December 31, 2029.

VII. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to FFDCA section 408(d), which does not require notice and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

However, EPA's 2026 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific review documents, located in the applicable docket at *https://www.regulations.gov.*

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 9, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.730, add paragraph (b) and Table 2 to Paragraph (b) to read as follows:

§ 180.730 Isocycloseram; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemption.* The time-limited tolerance specified in the following table is established for residues of isocycloseram, including its metabolites and degradates, in or on the commodities in Table 2 to this paragraph (b). Compliance with the

tolerance levels specified in this paragraph is to be determined by measuring only isocycloseram, 4-[(5-(3,5-dichloro-4-fluorophenyl)-5-(trifluoromethyl)-4,5-dihydro-1,2-oxazol-3-yl]-*N*-(2-ethyl-3-oxo-1,2-oxazolidin-4-yl)-2-methylbenzamide, in or on the specified agricultural commodity, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemption. The tolerance expires on the date specified in the table.

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
Sunflower, seed	0.4	12/31/2029

[FR Doc. 2026–23115 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2025–0148; FRL–13588–01–OCSPP]

Ethephon; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of ethephon in or on fig. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), Interregional Research Project Number 4 (IR–4) submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide in or on the identified commodity.

DATES: This rule is effective on November 13, 2026. Objections and requests for hearings must be received on or before January 12, 2027, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2025–0148, is available at *https://www.regulations.gov*. Additional information about dockets generally, along with instructions for visiting the docket center in person, is available at *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

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- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2025–0148 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 12, 2027.

The EPA's Administrative Law Judges Division (ALJD), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Order Urging Electronic Filing and Service,'' dated December 3, 2025, which can be found at *https://www.epa.gov/system/files/documents/2025-12/2025-12-03-order-urging-electronic-filing-and-service.pdf*. Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the ALJD electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf*.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov*. Follow the online instructions for submitting

comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-For Tolerance

In the **Federal Register** of December 16, 2025 (90 FR 58181) (FRL–12474–10–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5E9168) by Interregional Research Project No. 4 (IR–4), North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 2100, Raleigh, NC 27606. The petition requested that 40 CFR 180.300 be amended by establishing tolerances for residues of the fungicide ethephon, in or on fig at 0.02 parts per million (ppm). That document referenced a summary of the petition prepared by IR–4, the petitioner, which is available in the docket, at *http://www.regulations.gov*. The U.S. Department of Agriculture (USDA) submitted a comment supporting the use of ethephon as a plant growth regulator for figs.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for ethephon including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with ethephon are summarized in this unit.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical or is otherwise publicly available. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemaking and/or registration review decisions, EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published several tolerance rulemakings for ethephon and the more recent ''Ethephon Interim Registration Review Decision Case Number 0382'' (EPA–HQ–OPP–2010–0098–0034) in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to ethephon and established tolerances for residues of that chemical. EPA is incorporating previously published sections from these rulemakings, human health risk assessments, and registration review decisions as described further in this rulemaking, as they remain unchanged. These sections include toxicological profile, toxicological points of departure/levels of concern, exposure assessment, cancer, dietary exposure of drinking water, safety factor for infants and children, aggregate risk and determination of safety, chronic risk, and analytical enforcement methodology. The risk assessment published in support of this rulemaking is ''Ethephon. Human Health Risk Assessment for New Section 3 Use on Fig'' which is available in docket EPA–HQ–OPP–2025–0148 at *https://www.regulations.gov*.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by ethephon as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies for ethephon are summarized in the ''Ethephon: Human Health Risk Assessment for a New Section 3 Use on Fig'', located in docket EPA–HQ–OPP–2025–0148, which can be found at *https://www.regulations.gov*.

C. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level, generally referred to as a population-adjusted dose (PAD) or a reference dose, and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, *see https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-risk-pesticides*.

A summary of the toxicological endpoints for ethephon used for human risk assessment is discussed in the document ''Ethephon: Human Health Risk Assessment for a New Section 3 Use on Fig'', pages 14–15, available in docket EPA–HQ–OPP–2025–0148.

D. Exposure Assessment

1. Dietary Exposure From Food and Feed Uses

In evaluating dietary exposure to ethephon, EPA considered exposure under the petitioned-for tolerances as well as all existing ethephon tolerances in 40 CFR 180.300. EPA assessed dietary exposures from ethephon in food as follows:

i. *Acute Exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

The acute dietary (food and drinking water) assessment for ethephon was conducted using a refined, probabilistic assessment, incorporating the entire distribution of residues from the USDA Pesticide Data Program (PDP) for apples and grapes and residues from field trials for most other commodities. Default processing factors were used for most commodities for which they were available. Adequate processing studies are available for apples, barley, coffee, cottonseed, grapes, pineapple, tomato,

sugarcane, and wheat. Empirical processing factors obtained from those studies were used in the acute analyses. The maximum theoretical dietary burdens (MTDB) in beef and dairy cattle, poultry, and swine were previously determined at the time of the Tolerance Reassessment Eligibility Document using the established uses of ethephon. The proposed new use on fig does not include new feedstuff items and does not impact previously calculated MTDBs. MTDBs were calculated based on average or highest average anticipated residues (ARs) from field trial data and a diet comprised of cotton, wheat, and soybean.

ii. *Chronic Exposure.* In conducting the chronic dietary exposure assessment, a refined assessment used average field trial residues, average PDP residues along with tolerance level residues, and average percent crop treated (PCT) estimates where available. Default processing factors were used for most commodities. Adequate processing studies are available for apples, barley, coffee, cottonseed, grapes, pineapple, tomato, sugarcane, and wheat. As a result, empirical processing factors obtained from those studies were used in the chronic analyses. The same ARs were used for livestock commodities as in the acute analyses. As with the acute assessment, where no PCT data were available, the chronic assessment assumed 100 PCT for those commodities.

iii. *Cancer.* Based on the data summarized in ''Ethephon: Human Health Risk Assessment for a New Section 3 Use on Fig'', available in docket EPA–HQ–OPP–2025–0148, EPA has concluded that ethephon should be classified as ''Not Likely to be Carcinogenic to Humans''. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated Residue and PCT Information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require, pursuant to FFDCA section 408(f)(1), that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the following conditions are met.

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The following maximum PCT estimates were used in the acute dietary risk assessment for the following crops that are currently registered for ethephon: apples: 25%; barley: 5%; blackberry: 2.5%; blueberry: 5%; cantaloupe: 5%; sweet cherry: 5%; tart cherry: 75%; cotton: 65%; grapes (table): 35%; grape (raisin): 15%; grape juice: 2.5%; grape (/wine): 2.5%; peppers: 5%; tomato: 40%, walnut: 35%, and wheat: 5%. The PCT for cotton was used to refine the anticipated residues for ruminant commodities: 65% for the acute analysis.

The following average PCT estimates were used in the chronic dietary risk assessment for the following crops that are currently registered for ethephon: apples: 15%; barley 5%; cantaloupe: 5%; sweet cherry: 2.5%; tart cherry: 65%; cotton: 50%; grapes (table): 25%; grape (raisin): 5%; grape juice: 2.5%; grape (/wine): <1%; peppers: 5%; tomato: 20%; walnut: 25%.; and wheat 5%. The PCT for cotton was used to refine the anticipated residues for ruminant commodities: 50% for chronic analysis.

In most cases, EPA uses available data from USDA/National Agricultural Statistics Service, proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.D.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which ethephon may be applied in a particular area.

2. Dietary Exposure From Drinking Water

The new use on fig does not result in an increase in the estimated residue levels in drinking water, so EPA used the same estimated drinking water concentrations identified in the 2015 human health risk assessment for registration review of ethephon. All registered uses of ethephon were evaluated with the Surface Water Concentration Calculator and Pesticide Root Zone Model Ground Water to determine the Estimated Drinking Water Concentrations (EDWCs). These models were running using the maximum use patterns to produce drinking water value in surface and groundwater. The surface water EDWCs were higher than the groundwater; as a result, the groundwater EDWCs are not being presented. The surface water EDWC for ethephon is not expected to exceed 25.7 parts per billion for 1-in-10-year acute,

and 0.46 for the 1-in-10-year annual average. For the chronic assessment, the EDWC point estimate was incorporated. For acute assessment, the Agency generated daily time series outputs that simulate 30 years of residue of ethephon in surface drinking water using the scenario with the highest 1-in-10-year daily average.

3. From Non-Dietary Exposure

The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Ethephon is currently registered for the following uses that could result in residential exposures: ornamentals, home gardens/trees, and golf course use. All registered ethephon product labels with residential use sites (*e.g.,* ornamentals and home gardens/trees) require that handlers wear specific clothing (*e.g.,* long sleeve shirt/long pants) and/or use PPE. Therefore, EPA has made the assumption that these products are not for homeowner use and has not conducted a quantitative residential handler assessment. There is the potential for post-application exposure for individuals exposed as a result of being in an environment that has been previously treated with ethephon (*i.e.,* ornamentals and home gardens/trees, and golf courses). However, in the absence of a dermal point of departure, dermal post-application exposure assessments were not conducted. The prior post-application incidental oral assessment for children (1 to <2 years old) playing on treated turf is no longer necessary since residential turf was removed from all ethephon product labels. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to ethephon and any other substances. For the purposes of this action, therefore, EPA has not assumed that ethephon has a common mechanism of toxicity with other substances.

In 2016, EPA's Office of Pesticide Programs released a guidance document, Pesticide Cumulative Risk Assessment: Framework for Screening Analysis. This document provides guidance on how to screen groups of pesticides for cumulative evaluation using a two-step approach beginning with the evaluation of available toxicological information and if necessary, followed by a risk-based screening approach. This framework supplements the existing guidance documents for establishing common mechanism groups and conducting cumulative risk assessments.

Ethephon is an organophosphonate ethylene releaser, as opposed to an organophosphate. It is structurally different from and demonstrates different physical and chemical properties than traditional organophosphate compounds, and its toxicological profile also differs from those of the organophosphate compounds. EPA determined that ethephon does not share a common mechanism with the organophosphate compounds, and it was not included in the organophosphate cumulative risk assessment. At this time, EPA does not expect any exposures from other organophosphonate ethylene releaser pesticides or substances since there are no other organophosphonate ethylene releaser pesticides registered for use in the United States, nor has EPA established any tolerances for residues of any organophosphonate ethylene releaser pesticides. As a result, EPA concludes that ethephon does not have a common mechanism of toxicity with other substances that contribute to the risk assessment. If other organophosphonate ethylene releaser pesticides are registered, EPA will use the framework to examine the potential for a common mechanism of toxicity and the potential for cumulative risk as part of the ongoing registration review process. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework.*

E. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

EPA continues to conclude that reliable data to support the reduction of the FQPA SF from 10X to 1X. See ''Ethephon: Human Health Risk Assessment for a New Section 3 Use on Fig.'', available at docket ID EPA–HQ–OPP–2025–0148 for a discussion on the Agency's rationale for that determination.

F. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. Acute Risk

An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. The acute dietary risk estimates serve as the aggregate risk estimates. There are no acute dietary risks of concern for the general U.S. population or for any population subgroups; therefore, there are no acute aggregate risks of concern. Risk estimates are 26% of the aPAD for the general population and 73% for the most highly exposure population subgroup of children 1 to 2 years of age at the 99.9th percentile of exposure.

2. Chronic Risk

There are no chronic dietary risks of concern to the general U.S. population or any population subgroups. Therefore, there are no chronic aggregate risks of concern. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded

that chronic exposure to ethephon from food and water will utilize <1% of the cPAD for the general population and 1.8% cPAD for the most highly exposure population subgroup of children 1 to 2 years of age.

3. Short-Term and Intermediate-Term Risk

Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). There are no residential exposures that contribute to aggregate risk. As a result, short-term and intermediate-term aggregate risk assessments were not conducted.

4. Aggregate Cancer Risk for U.S. Population

Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, ethephon is not expected to pose a cancer risk to humans.

5. Determination of Safety

Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to ethephon residues. More detailed information about the Agency's analysis can be found at *https://www.regulations.gov* in the document titled ''Ethephon: Human Health Risk Assessment for a New Section 3 Use on Fig'', available at docket ID EPA–HQ–OPP–2025–0148.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (Amchem-Plant Method (PAM, VOL. II, Method I) is available to enforce the tolerance expression.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for ethephon in or on fig at 3 ppm. These MRLs are different than the tolerances established for ethephon in the United States. The difference is due to the MRLs being based on uses with significantly different good agricultural practices. The Codex MRL is based on a pre-harvest (PHI) of five days, whereas the petitioned-for tolerance is based on a PHI of 120 days.

The tolerance expression for ethephon currently established under 40 CFR 180.300 does not comply with Final Guidance on Tolerance Expressions. EPA is revising 40 CFR 180.300 to state that compliance with the ethephon tolerance levels is to be determined by measuring only ethephon ((P)-(2-chloroethyl)phosphonic acid).

V. Conclusion

Therefore, tolerances are established for residues of ethephon, in or on fig at 0.02 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.,* do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866.

However, EPA's 2026 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that

no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 2, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons set forth in the preamble, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.300 by:

■ a. Revising paragraph (a);

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

■ c. Adding an entry for ''Fig'' to the newly designated table 1 in alphabetical order.

The revision and addition read as follows:

§ 180.300 Ethephon; tolerances for residues.

(a) *General.* Tolerances are established for residues of ethephon, including its metabolites and degradates, in or on the commodities in table 1 to this paragraph (a). Compliance with the tolerance levels specified in table 1 to this paragraph (a) is to be determined by measuring only ethephon ((*P*)-(2-chloroethyl)phosphonic acid).

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Fig	0.02
* * * * *	

* * * * *

[FR Doc. 2026–23120 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 91, No. 218
Friday, November 13, 2026

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket ID FCIC–21–0007]

RIN 0563–AC75

Common Crop Insurance Regulations; Apple Crop Insurance Provisions; Withdrawal

AGENCY: Federal Crop Insurance Corporation, U.S. Department of Agriculture (USDA).

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: This action informs the public that the Federal Crop Insurance Corporation (FCIC) is withdrawing a notice of proposed rulemaking with request for comments published in the **Federal Register** on December 16, 2021, titled Common Crop Insurance Regulations, Apple Crop Insurance Provisions. FCIC has determined that rulemaking is not necessary or appropriate at this time based on comments received in response to the proposed changes. If FCIC decides to pursue future regulatory action on this topic, it will issue a new proposed rule.

DATES: As of November 13, 2026, the proposed rule with request for comments published on December 16, 2021, at 86 FR 71396, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Chandra Place; telephone: (816) 926–3875; or email: *Chandra.Place@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION: FCIC is withdrawing the notice of proposed rulemaking with request for comments published on December 16, 2021 (86 FR 71396). FCIC no longer intends to issue a final rule with respect to this proposal. If FCIC decides to pursue future regulatory action on this topic, it will issue a new proposed rule.

On December 16, 2021, FCIC published a proposed rule to revise the regulations related to the Common Crop Insurance Regulations, Apple Crop Insurance Provisions. The intended effect of the rule was to provide policy changes to better meet the needs of apple producers; to address program vulnerabilities that have caused increased loss ratios and rising premium costs; and to provide safeguards against fraud, waste, and abuse. FCIC initially requested public comments within 60 days after publication; however, at the request of stakeholders, FCIC extended the comment period by an additional 60 days. After reviewing the public comments, the Risk Management Agency (RMA), on behalf of FCIC, conducted multiple rounds of listening sessions nationwide to gather additional feedback from stakeholders. FCIC understands, based on the public comments and additional feedback, that the proposed changes would not have had the intended effect.

Therefore, as of November 13, 2026, the proposed rule with request for comments published on December 16, 2021, at 86 FR 71396, is withdrawn. If FCIC decides to pursue future regulatory action on this topic, it will do so by publishing a new proposed rule or other issuance consistent with the requirements of the Administrative Procedure Act, as applicable.

Patricia Swanson,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2026–23123 Filed 11–12–26; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–13813; Project Identifier AD–2026–00061–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company 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 certain General Electric Company (GE) Model GE Passport 20–17BB1A, GE Passport 20–18BB1A, GE Passport 20–19BB1A, and GE Passport 20–19BB1B engines. This proposed AD was prompted by an engine in-flight shutdown (IFSD) due to an engine fire caused by fuel leakage within the engine core compartment. This proposed AD would require replacement of a certain start bleed valve (SBV) fuel tube with a redesigned SBV fuel tube. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 28, 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–2026–13813; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Traevis Joshlin, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (817) 228–3634; email: *traevis.l.joshlin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed

under the **ADDRESSES** section. Include ''Docket No. FAA–2026–13813; Project Identifier AD–2026–00061–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 revise this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA received a report that a GE Passport 20 engine experienced a fire warning and a subsequent IFSD. A manufacturer investigation revealed that hot gas leakage at the high-pressure compressor (HPC) case split line eroded an SBV fuel tube, which caused fuel leakage and an engine core compartment fire. As a result, the manufacturer redesigned the SBV fuel tube to prevent erosion from hot gas impingement. This condition, if not addressed, could result in engine fire and damage to the airplane.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require replacement of a certain SBV fuel tube with a redesigned SBV fuel tube.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 126 engines installed on aircraft 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
Replacement of SBV fuel tube	36 work-hours × $85 per hour = $3,060	$1,997	$5,057	$637,182

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:

General Electric Company: Docket No. FAA–2026–13813; Project Identifier AD–2026–00061–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all General Electric Company (GE) Model GE Passport 20–17BB1A, GE Passport 20–18BB1A, GE Passport 20–19BB1A, and GE Passport 20–19BB1B engines with a start bleed valve (SBV) fuel tube installed having part number (P/N) 2721M52G01.

(d) Subject

Joint Aircraft System Component (JASC) Code 7310, Engine Fuel Distribution.

(e) Unsafe Condition

This AD was prompted by an engine in-flight shutdown due to an engine fire caused by fuel leakage within the engine core compartment. The FAA is issuing this AD to prevent SBV fuel tube erosion. The unsafe condition, if not addressed, could result in engine fire and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Before the affected SBV fuel tube has accumulated 2,750 flight hours time since new or within 250 flight hours, whichever occurs later after the effective date of this AD, remove the affected SBV fuel tube from service and replace with an SBV fuel tube having P/N 3179M50G01.

(h) 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 (i) 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.

(i) Additional Information

For more information about this AD, contact Traevis Joshlin, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (817) 228–3634; email: *traevis.l.joshlin@faa.gov*.

(j) Material Incorporated by Reference

None.

Issued on November 9, 2026.

Brian Knaup,

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

[FR Doc. 2026–23116 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–13810; Project Identifier AD–2026–00233–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747–400 and 747–400F series airplanes. This proposed AD was prompted by a report of an overheated alternating current motor pump (ACMP) that caused a fire in the main landing gear (MLG) wheel well. This proposed AD would require a maintenance records check or inspection for any installed ACMP with a certain part number and applicable on-condition actions. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 28, 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–2026–13810; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Joshua Baek, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–6725; email: *Joshua.Y.Baek@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–13810; Project Identifier AD–2026–00233–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joshua Baek, Aviation

Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–6725; email: *Joshua.Y.Baek@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report from an operator of a fire in the MLG wheel well on a Model 777 airplane. A subsequent investigation found that the cause of the fire was an overheated ACMP. The affected ACMPs can also be installed on Model 747–400 and 747–400F series airplanes. Further investigation found that a lock washer and nut was missing from a moving contact in the related electrical load control unit (ELCU). The missing lock washer and nut left the main contact operator bar unrestrained and in a position which let two-phase power go to the ACMP, which caused the ACMP to overheat, leak hydraulic fluid and subsequently start a fire in the MLG wheel well. As a result, the design of the ACMP has been modified to include fusible links as a new feature to prevent the ACMP from overheating if one of the electrical phases fails. An affected ACMP can be subjected to a single failure of the ELCU that results in continuous two-phase power application with no ability to remove power. This condition, if not addressed, could result in the ACMP overheating and igniting a fire in the wheel well and consequent damage to the airplane, loss of continued safe flight and landing, and/or personnel injury.

Other Relevant Rulemaking

AD 2026–19–04, Amendment 39–23471 (91 FR 61127, September 28, 2026) (AD 2026–19–04), which applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and –777F series airplanes, addresses the same unsafe condition addressed by this proposed AD. AD 2026–19–04 requires a records check or inspection for any installed ACMP with part number (P/N) 731966, and applicable on-condition actions (replacing any ACMP P/N 731966 with ACMP P/Ns 3033115–100, 66133–06, 66068–08, or later approved ACMP part number at affected location), and also prohibits the installation of affected parts.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026. This material specifies procedures for performing a maintenance records check or inspection for any installed ACMP with P/N 731966, and applicable on-condition actions. On-condition actions include replacing each affected ACMP with an ACMP having P/N 3033115–100.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except as discussed under ''Differences Between this Proposed AD and the Referenced Material,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected parts. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–13810.

Differences Between This Proposed AD and the Referenced Material

Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026, refers to ACMP P/N 3033115–100 as an acceptable part. However, the Boeing aircraft maintenance manual (AMM) identifies P/Ns 66133–06, 66068–05, 66068–06, or 66068–08 as additional acceptable parts. Accordingly, the FAA has added paragraph (h)(2) to this proposed AD to allow those parts as alternative replacement parts.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 105 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
Inspection or maintenance records check ..	Up to 4 work-hours × $85 per hour = $340	$0	Up to $255	Up to $35,700.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 7 work-hours × $85 per hour = $595	Up to $76,674	Up to $77,269.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–13810; Project Identifier AD–2026–00233–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–400 and 747–400F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by a report of an overheated alternating current motor pump (ACMP) that caused a fire in the main landing gear (MLG) wheel well. The FAA is issuing this AD to address a single failure of the electrical load control unit (ELCU) in the ACMP that results in continuous two-phase power application with no ability to remove power. The unsafe condition, if not addressed, could result in the ACMP overheating and igniting a fire in the wheel well and consequent damage to the airplane, loss of continued safe flight and landing, and/or personnel injury.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–29A2132, dated March 5, 2026, which is referred to in Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026, refers to the original issue date of Requirements Bulletin 747–29A2132 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026, refers to ACMP part number (P/N) 3033115–100 as a replacement part, for this AD, P/Ns 66133–06, 66068–05, 66068–06, or 66068–08 are also acceptable replacement parts.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install any ACMP, having P/N 731966, on any airplane.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Joshua Baek, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–6725; email: *Joshua.Y.Baek@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 747–29A2132 RB, dated March 5, 2026.

(ii) [Reserved]

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

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

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

Issued on November 9, 2026.

Brian Knaup,

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

[FR Doc. 2026–23134 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–13811; Project Identifier MCAI–2025–01888–E]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. 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 Pratt & Whitney Canada Corp. (P&WC) Model PW814GA and PW815GA engines. This proposed AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing airworthiness limitations manual (ALM) to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. This proposed AD would require updating the ALS of the existing ALM or instructions for continued airworthiness (ICA) and the existing approved 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 December 28, 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–2026–13811; 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 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 find the Transport Canada material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- 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–2026–13811; Project Identifier MCAI–2025–01888–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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–71, dated December 30, 2025 (Transport Canada AD CF–2025–71) (also referred to as the MCAI), to correct an unsafe condition on P&WC model PW814GA and PW815GA engines. The MCAI states that P&WC determined that certain engine components no longer meet the life limited component cyclic limits and mandatory scheduled inspection/maintenance intervals previously published in the ALM. To address this unsafe condition, Transport Canada issued Transport Canada AD CF–2023–73, dated November 3, 2023 (Transport Canada AD CF–2023–73) to require replacement or inspection of affected components prior to reaching their updated limits in the ALM. Since Transport Canada AD CF–2023–73 was issued, the manufacturer revised the ALS of the existing ALM to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. As a result, Transport Canada superseded Transport Canada AD CF–2023–73 and issued the MCAI to require updating the ALS of the existing ALM or ICA and the existing approved maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts. This condition, if not addressed, could result in damage to the engine and damage to the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–13811.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–71, which specifies procedures for operators to revise the ALS of their existing approved engine maintenance or inspection program to

incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts described in the revised engine ALM, as applicable to each engine model. 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 Transport Canada AD CF–2025–71, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–71 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–71 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by

Transport Canada AD CF–2025–71 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–13811 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 333 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	$28,305

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:

Pratt & Whitney Canada Corp.: Docket No. FAA–2026–13811; Project Identifier MCAI–2025–01888–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Canada Corp. Model PW814GA and PW815GA engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the airworthiness limitations section of the existing airworthiness limitations 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 life-limited parts. The unsafe condition, if not addressed, could result in damage to the engine and damage to 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, Transport Canada AD CF–

2025–71, dated December 30, 2025 (Transport Canada AD CF–2025–71).

(h) Exceptions to Transport Canada AD CF–2025–71

Where Transport Canada AD CF–2025–71 refers to its effective date, this AD requires using the effective date of this AD.

(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 ''Corrective Actions'' section of Transport Canada AD CF–2025–71.

(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) Transport Canada AD CF–2025–71, dated December 30, 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 find the Transport Canada material on the Transport Canada website at *tc.canada.ca/en/aviation.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 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 November 9, 2026.

Brian Knaup,

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

[FR Doc. 2026–23118 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–13802; Project Identifier AD–2026–00597–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 airplanes. This proposed AD was prompted by a report that certain wing skin outer mold line (OML) penetrating fasteners installed using threaded nuts without cap seals do not provide reliable protection against potential ignition sources when subjected to direct attachment lightning currents. This proposed AD would require inspecting between certain ribs on the left and right wing for wing skin penetrating fasteners with a threaded nut adjacent to the electromagnetic effects (EME) sleeve; inspecting the left and right wing fuel tanks, surge tanks, and dry bays for threaded nuts installed on fasteners that penetrate the upper and lower wing skins; accomplishing the inspection specified in a certain airworthiness limitation (AWL); and applicable on-condition actions. This proposed AD would also require accomplishing concurrent requirements and revising the maintenance program to incorporate the airworthiness limitation task. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 28, 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–2026–13802; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–13802.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: *Takahisa.Kobayashi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–13802; Project Identifier AD–2026–00597–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: *Takahisa.Kobayashi@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that wing skin OML penetrating fasteners installed using threaded nuts without cap seals do not provide reliable protection against potential ignition sources when subject to direct attachment lightning currents. This condition, if not addressed, could lead to a potential ignition source inside the wing fuel tanks, surge tanks, or dry bays during a lightning strike event, which could result in a consequent fire or explosion.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026. This material specifies procedures for:

- Inspecting between rib 25 to rib 31 on the left and right wing for wing skin penetrating fasteners with a threaded nut adjacent to the EME sleeve.
- Inspecting the left and right wing fuel tanks, surge tanks, and dry bays for threaded nuts installed on fasteners that penetrate the upper and lower wing skin.
- Accomplishing the required actions in AWL No. 57–AWL–18 ''Inspection Requirements for Cap Seals on In-Tank Fasteners between Side of Body (SOB) Rib and Rib 2''.
- Incorporating AWL No. 57–AWL–18 into the maintenance program.
- Accomplishing concurrent requirements, including upper and lower panel stringer base flange edge seal inspection and seal application; and incorporating AWL No. 57–AWL–3 and AWL No. 57–AWL–19 into the maintenance program.
- And applicable on-condition actions. On-condition actions include replacing affected EME sleeves with a new EME sleeve at all affected locations; installing a cap seal on all wing skin penetrating fasteners found installed with a threaded nut; contacting The Boeing Company for repair instructions and doing the repair.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures, see this material at *regulations.gov* under Docket No. FAA–2026–13802.

Differences Between This Proposed AD and the Referenced Material

The condition for ''all Table 1 Condition 1 and Condition 2 airplanes'' in Table 2 of the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026, specifies to do the actions in AWL No. 57–AWL–18 ''Inspection Requirements for Cap Seals on In-Tank Fasteners between Side of Body (SOB) Rib and Rib 2'', which includes reporting. However, this proposed AD does not require the reporting within that AWL for that condition. The FAA has added paragraph (j) to this AD accordingly. The no reporting requirement only applies to the action that specifies to ''Do the required actions in accordance with 787 SPECIAL COMPLIANCE ITEMS (SCI)/AIRWORTHINESS LIMITATIONS (AWL) document D011Z009–03–04, TR 09–0001 or 787 SCI/AWL document D011Z009–03–04 that incorporates TR 09–0001, Airworthiness Limitation Instruction (ALI) 57–AWL–18 Inspection Requirements for Cap Seals on In-Tank Fasteners between Side of Body (SOB) Rib and Rib 2'' in the Action column of the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026. This exemption from the reporting requirements applies only to compliance with this AD. If this inspection is performed as part of routine maintenance or any other requirement, the report must still be submitted as outlined in the AWL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 14 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
Inspections	63 work-hours × $85 per hour = $5,355	$0	$5,355	$74,970.
Concurrent actions	Up to 220 work-hours × $85 per hour = $18,700	Negligible	Up to $18,700	Up to $261,800.

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

per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of EME sleeves	Up to 120 work-hours × $85 per hour = $10,200	Up to $10,830	Up to $21,030.
Installation of cap seal on fasteners	Up to 901 work-hours × $85 per hour = $76,585	Up to $162,970	Up to $239,555.

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–13802; Project Identifier AD–2026–00597–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that wing skin outer mold line (OML) penetrating fasteners installed using threaded nuts without cap seals do not provide reliable protection against potential ignition sources when subjected to direct attachment lightning currents. This condition, if not addressed, could lead to a potential ignition source inside the wing fuel tanks, surge tanks, or dry bays during lightning strike event, which could result in a consequent fire or explosion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h), (i), and (j) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB570039–00, Issue 001, dated June 8, 2026, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026, refer to the issue 001 date of Requirements Bulletin B787–81205–SB570039–00 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, dated June 8, 2026, specifies contacting Boeing for repair instructions: This AD requires doing the repair before further flight using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(i) No Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

(j) No Reporting Requirement

Where the condition for ''all Table 1 Condition 1 and Condition 2 airplanes'' in Table 2 of the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026, specifies to do the actions in AWL No. 57–AWL–18 ''Inspection Requirements for Cap Seals on In-Tank Fasteners between Side of Body (SOB) Rib and Rib 2'', this AD does not require the reporting within that AWL for that condition.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

(1) For more information about this AD, contact Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: *Takahisa.Kobayashi@faa.gov.*

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

(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) Boeing Alert Requirements Bulletin B787–81205–SB570039–00 RB, Issue 001, dated June 8, 2026.

(ii) [Reserved]

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

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

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

Issued on November 6, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–23198 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–5281; Airspace Docket No. 26–AWA–1]

RIN 2120–AA66

Amendment of Class C Airspace; President Donald J. Trump International Airport, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class C airspace at the President Donald J. Trump International Airport (DJT), West Palm Beach, FL. The FAA is proposing this action to enhance the efficient management of air traffic operations and reduce the potential for midair collision in the West Palm Beach, FL, terminal area.

DATES: Comments must be received on or before January 12, 2027.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–5281 and Airspace Docket No. 26–AWA–1 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Ashley Toth, Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one

time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Class C airspace areas are published in paragraph 4000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11M, dated July 30, 2026, and effective September 15, 2026. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11M, 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.

Background

On May 14, 2026, the FAA published a final rule for Docket No. FAA–2026–4532 in the **Federal Register** (91 FR 27198), amending 14 CFR part 71 to change the airport name ''Palm Beach International Airport (PBI)'' to ''President Donald J. Trump International Airport (DJT)''. This docket reflects the new airport name; however, the information gathered while the airport was previously named PBI is unchanged.

DJT is located three miles west of the city of West Palm Beach, FL. DJT's air traffic control (ATC) facility consists of a combined Airport Traffic Control Tower (ATCT) and Terminal Radar Approach Control (TRACON) facility operating 24 hours a day. Palm Beach County Park Airport (LNA) is a non-towered reliever airport located approximately five miles south of DJT.

The airspace surrounding DJT and LNA is complex and crowded due to the proximity of the two airports. There are 6 airports with operational ATCTs and 19 non-towered satellite airports near DJT managed by DJT ATC. March is traditionally the busiest month for DJT, and aircraft traffic reached an all-time high in March 2023 with operations increasing to 20,500 in that month, up from 13,900 in March 2020. Additionally, general aviation (GA) activity from other airports near DJT has increased. This includes LNA, William P Gwinn Airport (06FA), Willis Airport (FA44), Wellington Aero Club Airport (FD38), Boca Raton Airport (BCT), North Palm Beach County General Aviation Airport (F45), and other private air parks in the local area. This increase in operations led the FAA to conduct a staff study in August of 2023, which demonstrated a need for modification of the existing Class C airspace.

Additionally, via a separate and unrelated rulemaking action, the FAA recently published an NPRM proposing to establish Special Air Traffic Rules under 14 CFR part 93 in the airspace near DJT under Docket No. FAA–2026–10827 (91 FR 56380; Sept. 2, 2026). The safety concerns leading to the proposed modification of DJT Class C airspace predated the proposal of establishing Special Air Traffic Rules under part 93. The FAA reviewed the data in Docket No. FAA–2026–10827, as well as changes made to DJT's departure and arrival procedures implemented in October 2025 and January 2026, and concluded that those changes do not impact the proposed modifications to DJT Class C airspace. The proposed Special Flight Rules Area and the aforementioned adjustments to flight paths impact airspace and operations well within the inner ring of Class C airspace (Area A), whereas this proposal would modify portions of the airspace farther out where those changes have no impact.

Class C Airspace

Class C airspace areas are designated under 14 CFR part 71 by rulemaking to improve aviation safety by reducing the risk of midair collisions in the terminal area and enhancing the management of air traffic operations therein. Class C airspace is designed to keep ATC informed of all aircraft operating within the Class C airspace. Pilots are required to establish two-way radio communications with ATC prior to entering Class C airspace, and they must maintain communications with ATC while operating within it. In addition, pursuant to 14 CFR 91.215 and 91.225, no person may operate an aircraft within Class C airspace unless the aircraft is equipped with an operational transponder and Automatic Dependent Surveillance—Broadcast (ADS–B) Out.

To qualify for Class C airspace, an airport must be served by an operational ATCT and a radar approach control, and meet one of the following criteria: (1) an annual instrument operations count of 75,000 at the primary airport; (2) an annual instrument operations count of 100,000 at the primary and secondary airports; or (3) an annual count of 250,000 enplaned passengers at the primary airport.[1]

DJT continues to qualify as a candidate for Class C airspace based on its annual instrument operations count and annual enplaned passenger count. DJT's annual instrument operations count for calendar year (CY) 2025 (the latest year for which validated figures are available) was 142,912, and enplaned passenger count for CY 2024 (the latest year for which validated figures are available) was 4,127,211. Other factors that the FAA considered are airspace complexity and the potential for midair collision in the terminal area.

Need for Amendment of Class C Airspace at DJT

Due to congestion in the airspace, a sampling was conducted from February 16, 2023, to March 23, 2023, to document instances where an aircraft receiving ATC services into or out of DJT needed to be assigned a nonstandard climb, descent, or vector to avoid conflict with nonparticipating

[1] *See* FAA Order JO 7400.2, paragraph 16–2–1.

aircraft.[2] During the 36-day sampling period over 115 instances were recorded. This data suggests that the existing Class C airspace does not adequately support the volume of aircraft operating in the congested DJT terminal area. Since participation in Class C services is voluntary on the part of pilots operating under visual flight rules (VFR) when they are operating outside of the Class C airspace, ATC does not have an adequate level of flight information or control required to safely separate aircraft operating under instrument flight rules (IFR) and these nonparticipating VFR aircraft operating in this complex airspace environment.

Nonparticipating aircraft operating under VFR that are not in contact with ATC routinely operate in the areas adjacent to DJT's Class C airspace, and in doing so, they cross DJT arrival and departure corridors and make unexpected heading and altitude changes. These aircraft frequently operate at altitudes that, while outside of the current DJT Class C airspace, may cause them to converge and conflict with aircraft arriving or departing DJT. As a result, ATC must alter the flight path or altitude of the aircraft they are providing services to, which disrupts the orderly flow of traffic arriving to and departing from DJT. Additionally, ATC workload is increased by the need for additional vectoring or altitude changes of DJT arrivals and departures to ensure separation from these nonparticipating VFR aircraft. Under this proposal, DJT's Class C airspace would be expanded within the area west of DJT along DJT's primary arrival and departure corridors. This change and expanded volume of Class C airspace would require VFR aircraft operating in this area to establish contact with ATC to ensure controllers are aware of pilot intentions and promote increased safety and efficiency.

In addition, there were more than 20 Air Traffic Safety Action Program (ATSAP) reports filed by air traffic controllers during the 36-day period of data sampling. The ATSAP program is a voluntary reporting system for air traffic controllers to report safety concerns to the FAA. These ATSAP reports indicated that aircraft on downwind to and on the final approach course to DJT runways 10L, 10R, and 14 were either taken off an approach or issued a climb or descent to de-conflict with nonparticipating aircraft.

[2] Nonparticipating aircraft are those whose pilots are not in communication with ATC and, therefore, are not receiving ATC services.

Benefits of Modifying the DJT Class C Airspace Area

All pilots would benefit from the enhanced safety provided by Class C services, which include the separation of aircraft, traffic advisories, and safety alerts. Class C airspace enhances safety by lessening the likelihood of DJT arrivals and departures encountering nonparticipating VFR aircraft, thereby reducing the potential for midair collision. It also decreases the workload for air traffic controllers by minimizing the need to vector arrivals and departures to avoid conflicts with nonparticipating VFR aircraft. Furthermore, it would minimize disruptions to the orderly flow of arrivals and departures to ensure pilots can fly stabilized approaches during a critical phase of flight.

Pre-NPRM Public Input

On October 19, 2023, the FAA approved the formation of an Ad Hoc Committee (Committee) to seek input and recommendations from representatives of affected aviation users for the FAA to consider in designing a proposed modification to the Class C airspace at DJT. The Committee consisted of a diverse sampling of local aviation operators and organizations, including representatives from the Aircraft Owners and Pilots Association, Soaring Society of America, Air Line Pilots Association, pilots from the local airports and flight schools, and others. The initial Committee meeting was held on December 7, 2023, in Palm Beach, FL, and had over 40 attendees in person and over 60 virtual attendees participating on the Zoom platform.

The initial Class C airspace proposed modification presented to the Committee would have modified the lateral limit of Area A from 5 nautical miles (NM) to 6 NM; raised the vertical limit of the Class C airspace from 4,000 feet mean sea level (MSL) to 5,000 feet MSL; modified the shape and vertical limit of Area C to protect the DJT Runway 10L and Runway 28R downwind and final approach courses; created Area D, an outer shelf from 1,600 feet MSL to 5,000 feet west of DJT and south of FA2; created Area E, an outer shelf starting from 15 NM to 25 NM west of DJT at 2,500 feet MSL to 5,000 feet MSL to alleviate traffic conflicts from nonparticipating aircraft; and created Area F, an outer shelf starting from 10 NM to 15 NM east of DJT with a width of 7 NM on both sides of final approach course for Runway 28R and with a floor of 1,200 feet MSL and a ceiling of 5,000 feet MSL.

Ad Hoc Committee Recommendations

The Committee's final report was submitted to the FAA on May 29, 2024. The Committee made 11 recommendations regarding the modification of DJT Class C airspace. All bearings and radials are true and are applied from point of origin and all mileages are stated as NM.

Recommendation 1: The Committee recommended that the FAA should comply with FAA Order JO 7400.2, Procedures for Handling Airspace Matters, Chapter 16, which lays out the planning and processing of Class C airspace proposals. Specifically, the Committee was concerned with the FAA's compliance with paragraph 16–1–2 of the order, which requires that the FAA determine whether nonrulemaking alternatives could resolve the identified operational or safety issues prior to initiating rulemaking. The Committee also emphasized compliance with paragraph 16–2–3(c), which requires that the FAA justify any variation from the standard Class C airspace design lateral and vertical limits.

The FAA is committed to following FAA Order JO 7400.2 throughout the process of proposing and implementing modifications to the Class C airspace for DJT. It complied with the requirements to explore nonrulemaking alternatives and to justify nonstandard lateral and vertical limits.

First, DJT ATC explored numerous nonrulemaking alternatives to enhance safety and efficiency within the Class C airspace surrounding the airport. As part of these efforts, DJT ATC conducted 9 pilot briefings to educate pilots on best practices for navigating DJT Class C airspace. Additionally, it organized 28 facility tours that included discussions on operational challenges in the surrounding airspace. Collaboration with the Flight Standards District Office allowed DJT ATCT to participate in outreach briefings focused on air traffic control airspace procedures. In partnership with the FAA Safety Team, it also produced a ''From the Flight Deck'' video and a Pilot Flying Handbook to inform the local pilot community about DJT airspace.

A comprehensive airspace analysis conducted in 2020–2021 led to a re-sectorization and redesign of the airspace to improve safety and accommodate new procedures as part of the Florida Metroplex project, as well as the implementation of new Standard Terminal Arrival Routes (STAR) and Standard Instrument Departures (SID). The FAA initiated extensive training programs for air traffic controllers, including simulated lab scenarios and

face-to-face briefings that covered traffic alerts, Traffic Alert and Collision Avoidance System (TCAS) events, and best practices for managing airspace volume and nonparticipating VFR traffic.

The FAA implemented modifications to instrument procedures and enhanced pilot/controller education programs to improve operational safety. The FAA facilitated stakeholder engagement through briefings and updated training materials, including a video for local aviation stakeholders that described the airspace structure and challenges. Furthermore, the FAA developed a specialized FAA pilot handbook for DJT. DJT ATC uses VFR transition areas documented in the facility standard operating procedures which facilitate safer airspace transition, and they continue to explore the possibility to include these routes on sectional charts for pilots to see. These initiatives aimed to proactively address safety risks, improve communication, and enhance the overall management of DJT's airspace without resorting to formal rulemaking processes. Despite these efforts, the frequency of conflict events remained elevated, indicating that nonrulemaking measures alone were insufficient.

Second, the DJT ATCT staff study justifies this proposed non-standard Class C airspace modification to address safety concerns identified by the facility. A sampling was conducted from February 16, 2023, to March 23, 2023, that revealed significant safety concerns in the airspace. Over this 36-day period, more than 115 instances were documented that required ATC to maneuver aircraft to which they were providing services to avoid conflicts with nonparticipating aircraft. Additionally, more than 20 ATSAP reports highlighted frequent occurrences where aircraft on downwind and final approach courses to DJT had to be taken off their approach or issued climb or descent instructions to deconflict them from nonparticipating aircraft. Nonstandard turns or altitude changes given to aircraft arriving or departing DJT disrupt the safe and orderly flow of air traffic. These aircraft were often on a collision course with nonparticipating aircraft. In response, air traffic controllers had to act proactively by implementing nonstandard maneuvers to prevent mid-air collisions.

Recommendation 2: The Committee recommended that the FAA study facility staffing levels and increase them, if necessary; evaluate operational staffing procedures; and investigate how often pilots are denied ATC services for aircraft operating in the vicinity of the DJT.

The 2023 staff study concluded that the workload changes expected from the proposed modification of the Class C airspace are manageable within current staffing models. The study also determined that operational staffing procedures, including sectorization, or de-combining positions, are based on real-time traffic demand and complexity.

Furthermore, an evaluation of participating versus non-participating VFR aircraft transitioning the Class C airspace found that appropriate ATC services were being provided.

Recommendation 3: The current Class C airspace at DJT is divided into three segments: Area A, Area B, and Area C. Area A is currently a 5-mile radius around DJT, excluding a cutout area around LNA. The Committee recommended expanding the radius of Area A to 6-mile radius, continuing to exclude a cutout area around LNA. In contrast, some members of the Committee suggested expanding Area A to the west by only 1 mile and adding a VFR corridor over the top of DJT from 2,000 feet MSL to 2,500 feet MSL. A VFR corridor in the context of this recommendation would essentially be a tunnel through the Class C airspace. The requested corridor would be designated as Class E airspace where a pilot could fly through the area and not be required to establish two-way radio communication with ATC or receive ATC services.

The FAA concurred with the Committee's recommendation to expand the radius of Area A to 6 miles. The FAA disagreed with the recommendation to expand Area A only to the west because doing so would not support the goal of the proposal to reduce the potential for midair collision for aircraft arriving at DJT that are established on the final approach course for Runway 28R and DJT departure dispersal areas to the north and east.

The FAA also disagreed with the recommendation to establish a north-south VFR corridor over DJT because doing so would prevent the safe transition of aircraft descending on each downwind to Runway 10L and Runway 28R. Moreover, DJT ATCT currently utilizes standard transition routes for VFR aircraft operating in the Class C airspace to pass north and south over the DJT's Class C airspace. Aircraft are typically transitioned overhead DJT at 2,000 feet MSL or 2,500 feet MSL, or over the shoreline at or below 1,000 feet MSL, both of which are within Class C airspace. DJT ATC is pursuing publication of these standard VFR routes to help reduce the number of radio transmissions needed for transitioning the Class C airspace.

Recommendation 4: Area C currently consists of the airspace extending upward from 1,200 feet MSL to and including 4,000 feet MSL within a 10-mile radius of DJT, excluding Area B. When the Committee met, the proposal included creating an Area F, adjacent to the east side of Area C, that would include the airspace from 10 miles to 15 miles east of DJT with a width of 7 miles on both sides of final approach course for Runway 28R and with a floor of 1,200 feet MSL to a ceiling of 5,000 feet MSL.

The Committee recommended raising the proposed floor of the eastern side of Area F from 1,200 feet MSL to 2,500 feet MSL. Meanwhile, some members of the Committee suggested eliminating the proposal to create Area F to the east of DJT beyond existing Area C's current 10-mile lateral limit, arguing that it would obstruct southeast-bound aircraft traveling along the shoreline.

Initially, upon evaluating the recommendations, the FAA agreed to raise the floor of the proposed extension on the eastern side of Area F to 2,500 feet MSL. However, it was ultimately determined that this eastern addition of Area F was not needed, so it was eliminated from the proposal.

Recommendation 5: The Committee recommended that the FAA conduct an environmental study to assess the impact of the proposed Class C airspace modification on the Arthur R. Marshall Loxahatchee National Wildlife Refuge area.

The FAA is required to complete an environmental review pursuant to the National Environmental Policy Act as part of the Class C airspace modification process. For further information, see the Environmental Review section of this document.

Recommendation 6: The current Class C airspace consists of a 5-mile radius circle and a 15-mile radius circle centered on DJT. The proposal presented to the Committee would modify the lateral limit of existing Area A from a 5-mile radius to a 6-mile radius and would establish Area D and Area E, two shelves starting from 15 miles to 25 miles west of DJT. The Committee suggested only extending the current Class C airspace 15 miles west and 6 miles wide on both sides of the final approach course to Runway 10L, from 2,500 feet MSL to 5,000 feet MSL.

This recommendation was not accepted as the proposed modification would not support the goal of the proposal to reduce the potential for midair collision for aircraft arriving at

DJT on downwind, base leg, and final approach courses to Runway 10L with nonparticipating VFR aircraft.

Recommendation 7: Currently, FD38 falls entirely outside the lateral boundaries of the DJT Class C airspace. However, with the initially proposed modification, FD38 would fall under the proposed Area D shelf, which would start 15 miles west of DJT and extend from 2,500 feet to 5,000 feet MSL. The Committee recommended increasing the proposed floor altitude of Area D above FD38 to allow jets and turboprops to fly at pattern altitude without entering Class C airspace. DJT ATCT agreed with these recommendations and raised the proposed floor of Class C airspace over FD38 from the initial proposal of 2,500 feet to 2,600 feet MSL.

Recommendation 8: The initial proposal included the creation of three shelves of Class C airspace; Area D, Area E, and Area F. Rather than creating these shelves, the Committee recommended only creating additional Class C airspace 1 mile on both sides of the final approach course to Runway 10L at DJT, from 10 miles to 15 miles west of DJT, with a floor of 1,600 feet MSL to a ceiling of 4,000 feet MSL.

The FAA declined this recommendation as it would not support the goal to reduce the potential for midair collision for aircraft on downwind, base, and final approach courses to Runway 10L and Runway 10R at DJT with nonparticipating VFR aircraft. The additional Areas created within this proposal allow ATC to be in communication with VFR aircraft and ensure separation with aircraft arriving and departing DJT during critical stages of flight, eliminating unnecessary vectors and altitude changes for nonparticipating VFR aircraft.

Recommendation 9: The initial proposal included creating an Area E that would be an outer shelf starting from 15 miles to 25 miles west of DJT from 2,500 feet MSL to 5,000 feet MSL to alleviate traffic conflicts with nonparticipating VFR aircraft. The Committee recommended eliminating the proposed Area E because it would limit the area in which aircraft unequipped with ADS–B Out could operate around DJT, specifically in regard to glider operations that regularly operate in or transit the DJT area west of the existing Class C airspace.

The FAA declined the recommendation to fully remove the proposed Area E as it is needed to support the goal to reduce the potential for midair collision for aircraft on downwind, base, and final approach courses to Runway 10L and Runway 10R at DJT with nonparticipating VFR aircraft. In addition, a vast amount of airspace still available for gliders remains unchanged with the proposed modification. Gliders operating out of F45 and FA44 would still be able to operate outside or underneath the proposed Class C outer areas without the need to communicate with DJT ATC. However, the FAA adopted the recommendation in part, by reducing the western boundary of proposed Area E from 25 miles west of DJT to 22 miles west of DJT to allow for operations of aircraft not equipped with ADS–B Out.

Recommendation 10: The initial proposal made to the Committee included the creation of an Area D shelf starting from 15 miles to 25 miles west of DJT. This would place the Area D shelf less than 5 miles from the southern border of 06FA. The Committee recommended altering the proposed lateral boundary of Area D to be no closer than 5 miles from the southern border of 06FA to minimize the impact to the airport's operations.

The FAA concurred, and the northern lateral boundary of proposed Area D was moved further to the south.

Recommendation 11: The initial proposal made to the Committee included the creation of Area D and Area E starting from 15 miles to 25 miles west of DJT. The Committee recommended narrowing the north-south extent of proposed Area D and Area E and aligning their northern boundaries to simplify the shape of the lateral boundary while allowing for more airspace for non-participating VFR operations.

The FAA concurred with aligning the northern boundaries of proposed Area D and Area E and moving the aligned boundaries to the south. However, the southern boundaries of proposed Area D and Area E could not be moved northward as they are needed to support the goal to reduce the potential for midair collision for aircraft on downwind, base, and final approach courses to Runway 10L at DJT with non-participating VFR aircraft.

Informal Airspace Meeting

Informal Airspace Meetings provide the FAA another avenue to gather information to assist in the development of an airspace proposal before issuance of an NPRM. As announced in the **Federal Register** (89 FR 85455; October 28, 2024), the FAA held an Informal Airspace Meeting concerning proposed modifications of the DJT Class C airspace area on December 5, 2024. The meeting was conducted virtually as a webinar via the Zoom application. The meeting was attended by 163 participants, with 19 concurrent streamers on the FAA YouTube channel. The FAA also provides a public comment period in connection with Informal Airspace Meetings. Through these means, the FAA received seven formal comments.

Discussion of Informal Airspace Meeting Comments

Comment 1: A commenter recommended that the ceiling of Area A either remain at its existing altitude of 4,000 feet MSL or be lowered to 3,000 feet MSL rather than raising it to 5,000 feet MSL as proposed. If the ceilings of Area B and Area C were also set at either of these altitudes, it would enable aircraft to fly over DJT from north to south or south to north without entering Class C airspace and therefore eliminate the need to contact ATC. The commenter believed this would reduce air traffic controller workload, allow non-participating general aviation traffic to overfly the airspace, and allow more direct flight routing to destinations north and south of DJT.

The FAA did not adopt these recommendations in this NPRM. DJT ATC considered various altitudes for the ceiling of Area A and determined that raising the ceiling from its current altitude of 4,000 feet MSL to 5,000 feet MSL would be required to mitigate safety concerns for IFR aircraft descending on downwind leg to Runway 10L and Runway 28R at DJT, as well as IFR aircraft transitioning across the DJT Class C airspace. DJT ATC is adequately staffed to provide ATC services and traffic advisories to all air traffic, and general aviation aircraft are encouraged to use these services to transition the Class C airspace.

Comment 2: A commenter recommended that the FAA create a north-south VFR corridor, which would essentially be a tunnel of Class E airspace, through the center of DJT's Class C airspace. If this corridor existed, a pilot could fly though the corridor and not be required to establish two-way radio communication with ATC or receive ATC services.

The FAA is unable to establish the requested north-south VFR corridor as it would not reduce the safety issues caused by the lack of communication between non-participating VFR aircraft and ATC. The creation of a north-south VFR corridor would not reduce the interference between aircraft descending on each downwind to Runway 10L and Runway 28R with nonparticipating VFR aircraft. In addition, DJT ATC currently uses standard transition routes that allow VFR aircraft to pass north and south over DJT. VFR aircraft are typically transitioned overhead DJT at

2,000 feet MSL or 2,500 feet MSL, or over the shoreline at or below 1,000 feet MSL, both of which are inside of Class C airspace. DJT ATC is pursuing publication of these standard VFR routes to help reduce the number of transmissions needed for VFR aircraft transitioning the Class C airspace.

Comment 3: A commenter recommended reducing the proposed eastern boundary of Area A to align with the shoreline so that VFR aircraft have an easily discernible visual landmark for the eastern boundary of the airspace.

The proposed eastern boundary of Area A was designed to mitigate safety concerns for arrivals and departures east of DJT. While designing boundaries based on visual landmarks is a good practice where feasible, the FAA declines to align this boundary to the shoreline as the proposed eastern boundary is needed to support the goal to reduce the potential for midair collision for aircraft on final approach to Runway 28L and Runway 28R and for aircraft departing Runway 10L and Runway 10R at DJT with non-participating VFR aircraft.

Comment 4: A commenter recommended the FAA develop a practice area to encompass an area to the southwest of DJT. The commenter believes this would ensure that aircraft practicing flight maneuvers do not occur near aircraft arriving and departing from DJT.

The development of a practice area is outside of the scope of this Class C airspace modification proposal. However, Alert Area A–291A is currently established west of BCT and is charted for concentrated flight training.

Comment 5: A commenter recommended that the Class C airspace be expanded beyond the proposal to contain all turbine aircraft arriving to DJT so that once their track enters the Class C airspace it remains in Class C airspace until they touch down on the runway.

Under the standards of FAA Order JO 7400.2, Class B airspace must be designed so that the lateral and vertical limits to contain the primary airport instrument approach procedures once their track enters the Class B airspace and departure procedures until their track exits the Class B airspace. However, there is no such requirement for the design of Class C airspace. This proposed design modification of the DJT Class C airspace is intended to mitigate documented safety issues for aircraft arriving and departing from the DJT; its goal is not containment of instrument procedures. Expanding Class C airspace further than proposed does not provide any additional safety mitigation and it would add unnecessary requirements to VFR aircraft operating in the area.

Comment 6: A commenter remarked that the proposed expansion of Class C airspace near DJT would negatively impact glider operations that frequently occur west of the current Class C airspace. The commenter stated that the expansion would reduce the volume of operating airspace for gliders transiting southeast of Lake Okeechobee, FL. According to the commenter, many gliders lack the electrical systems needed for transponder and ADS–B Out equipment, which would limit their access to the expanded Class C airspace. Even gliders equipped with ADS–B Out equipment may not be able to participate in Class C services due to their inability to maintain altitude, which prevents them from being able to effectively follow ATC instructions.

The FAA acknowledges that the proposed expansion of Class C airspace would restrict the area west of DJT where aircraft without ADS–B Out can operate. All aircraft would only be required to equip with ADS–B Out if they intend to enter the Class C airspace or fly above it. Specifically, gliders flying from F45 and FA44 would still be able to operate outside the lateral boundaries or below a shelf of Class C airspace without needing to equip with ADS–B Out or communicate with DJT ATC. The boundaries of proposed Area D and Area E are necessary to mitigate safety concerns for aircraft arriving on the downwind, base, and final approach course for Runway 10L as well as aircraft arriving on the right base leg to Runway 14.

Comment 7: A commenter suggested that the Class D airspace for 06FA should be reduced or modified to ease aircraft congestion over the F45 Runway 9R Instrument Landing System (ILS) approach.

Redesigning the 06FA Class D airspace is outside of the scope of this Class C airspace modification proposal. However, the FAA reviewed the 06FA Class D airspace and amended 06FA's Class D airspace in a separate rulemaking docket published in the **Federal Register** (90 FR 23436; June 3, 2025).

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class C airspace at DJT. The FAA is proposing this action to enhance the safe and efficient use of airspace by adding additional Class C airspace along IFR arrival and departure routes to reduce the risk of midair collision in the DJT terminal area (see the attached chart). All bearings and radials are true and are applied from point of origin and all mileages are stated as NM.

The proposed amended Class C airspace would consist of five sub-areas identified by the letters A through E, described as follows:

Area A: The FAA proposes to modify the current Area A by expanding the vertical limit (currently 4,000 feet MSL) to extend from the surface to 5,000 feet MSL, and extend the lateral boundary to the west, north, and east to a 6-mile radius (currently a 5-mile radius) of DJT, except for that area south of lat. 26°36′08″ N, and that portion within a 2-mile radius of LNA.

Area B: The FAA proposes to modify the current Area B by expanding the vertical limits to extend from 1,600 feet MSL to 5,000 feet MSL (currently 4,000 feet MSL). It would also change the northwestern boundary to be along lat. 26°36′08″ N, to meet the newly proposed 6-mile radius (currently a 5-mile radius) of Area A.

Area C: The FAA proposes to modify the current Area C by expanding the vertical limits to extend from 1,200 feet MSL to 5,000 feet MSL (currently 4,000 feet MSL), and to exclude Area A and Area B.

Area D: The FAA proposes to establish Area D with vertical limits from 1,600 feet MSL to 5,000 feet MSL, and would be bounded as follows: Beginning at the intersection of the DJT 320° bearing and the DJT 10-mile radius, then moving west on a 265° bearing to a point at lat. 26°47′52″ N, long. 080°23′10″ W, then moving south to a point at lat. 26°46′04″ N, long. 080°23′10″ W to intersect the L–8 Canal, then moving southeast following the L–8 Canal to a point at lat. 26°44′26″ N, long. 080°21′46″ W, then moving south following the L–8 Canal to a point that intersects Southern Boulevard (highway U.S. Route 98) at lat. 26°41′07″ N, long. 080°21′51″ W, then moving east following Southern Boulevard to intersect the DJT 10-mile radius, then moving clockwise along the DJT 10-mile radius to intersect the point of beginning.

Area E: The FAA proposes to establish Area E with vertical limits from 2,600 feet MSL to 5,000 feet MSL, and would be bounded as follows: beginning at the intersection of the DJT 230° bearing and the DJT 10-mile radius, then moving west on a 273° bearing to intersect the DJT 22-mile radius, then moving clockwise along the 22-mile radius to intersect the DJT 287° bearing, then moving east to a point at lat. 26°47′52″ N, long. 080°23′10″ W, then moving south to a point at lat. 26°46′04″ N, long. 080°23′10″ W to intersect the L–

8 Canal, then moving southeast following the L–8 Canal to a point at lat. 26°44′26″ N, long. 080°21′46″ W, then moving south following the L–8 Canal to a point that intersects Southern Boulevard (highway U.S. Route 98) at lat. 26°41′07″ N, long. 080°21′51″ W, then moving east following Southern Boulevard to intersect the DJT 10-mile radius, then moving clockwise along the DJT 10-mile radius to intersect the point of beginning.

Full descriptions of the proposed DJT Class C airspace subareas are listed in the proposed amendments to part 71 below.

Regulatory Notices and Analyses

Executive Order (E.O.) 12866 (''Regulatory Planning and Review'') and E.O. 13563 (''Improving Regulation and Regulatory Review'') require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' This proposed rule is not a significant regulatory action as defined in Section 3(f) of E.O. 12866. In conducting this analysis, the FAA has determined the proposed rule has benefits that justify its costs.

The FAA proposes to expand and reconfigure the Class C airspace surrounding DJT to enhance terminal safety in response to rising air traffic volumes. Between 2020 and 2023, operations at DJT increased by 47%. This growth, in conjunction with an increase in general aviation activity from nearby regional and private airports, has led to an increase in airspace congestion. Evidence of this congestion was documented during a 36-day study in early 2023, which recorded over 115 instances requiring ATC to issue nonstandard maneuvers to resolve conflicts with nonparticipating VFR aircraft.

To mitigate midair collision risks, the FAA proposes extending lateral boundaries along the primary arrival and departure corridors to DJT—from the existing 10-mile radius to in some cases out to a 22-mile radius—and expanding vertical limits from 4,000 feet MSL up to 5,000 feet MSL. These controlled sub-areas would increase the efficient flow of traffic by reducing the need for ATC to vector arrivals and departures around nonparticipating aircraft.

While these changes would improve situational awareness and safety, they would impose incremental costs on some operators currently flying VFR near DJT. There were approximately 16,567 nonparticipating VFR flights operated near DJT in 2025. Specifically, pilots flying VFR in aircraft unequipped with ADS–B Out would be required to equip or navigate around the new boundaries. For pilots who choose the latter, navigating around the boundaries would result in minimal costs from minor rerouting of flights and additional fuel consumption. Moreover, the FAA asserts that the safety benefits of reducing midair collision risks exceeds the estimated minimal impact on nonparticipating VFR flights.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, (Pub. L. 96–354) (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The FAA used the definition of small entities in the RFA for this analysis. The RFA defines small entities as small businesses, small governmental jurisdictions, or small organizations. In 5 U.S.C. 601(3), the RFA defines ''small business'' to have the same meaning as ''small business concern'' under section 3 of the Small Business Act. The Small Business Act authorizes the Small Business Administration (SBA) to define ''small business'' by issuing regulations. SBA (2023) has established size standards for various types of economic activities, or industries under the North American Industry Classification System (NAICS). These size standards generally define small businesses based on the number of employees or annual receipts.

The proposed rule would expand Class C airspace around DJT. The FAA is taking this action to reduce the risk of midair collisions and improve the use of DJT airspace. The change would affect general aviation operators flying VFR with unequipped aircraft near the airport, requiring them to equip with ADS–B Out, if not already, or adjust their flight paths to avoid the expanded Class C airspace. The airspace modifications are targeted to minimize the impact on VFR flights while maintaining safety. The FAA expects that navigating around the boundaries would result in minimal costs from equipage or minor flight rerouting and additional fuel consumption. Therefore, as provided in section 605(b) of the RFA, the FAA Administrator certifies that this rulemaking would not result in a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has determined this proposal does not create an unnecessary obstacle to foreign commerce.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. The FAA determined that the proposed rule will not result in the expenditure of $193,000,000 or more ($100,000,000 adjusted for inflation using the most current Implicit Price Deflator for the Gross Domestic Product) by State, local, or tribal governments, in the aggregate, or the private sector, in any one year.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires the FAA to consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined there is no new requirement for information collection associated with this proposed rule.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, ''*FAA*

National Environmental Policy Act Implementing Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, and effective September 15, 2026, is amended as follows:

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

ASO FL C West Palm Beach, FL

President Donald J. Trump International Airport, FL
(Lat. 26°40′59″ N, long. 080°05′44″ W)
Palm Beach County Park Airport, FL
(Lat. 26°35′35″ N, long. 080°05′06″ W)

Boundaries

Area A. That airspace extending upward from the surface to and including 5,000 feet MSL within a 6-mile radius of the President Donald J. Trump International Airport, excluding that airspace south of lat. 26°36′08″ N, and excluding the airspace within a 2-mile radius of Palm Beach County Park Airport.

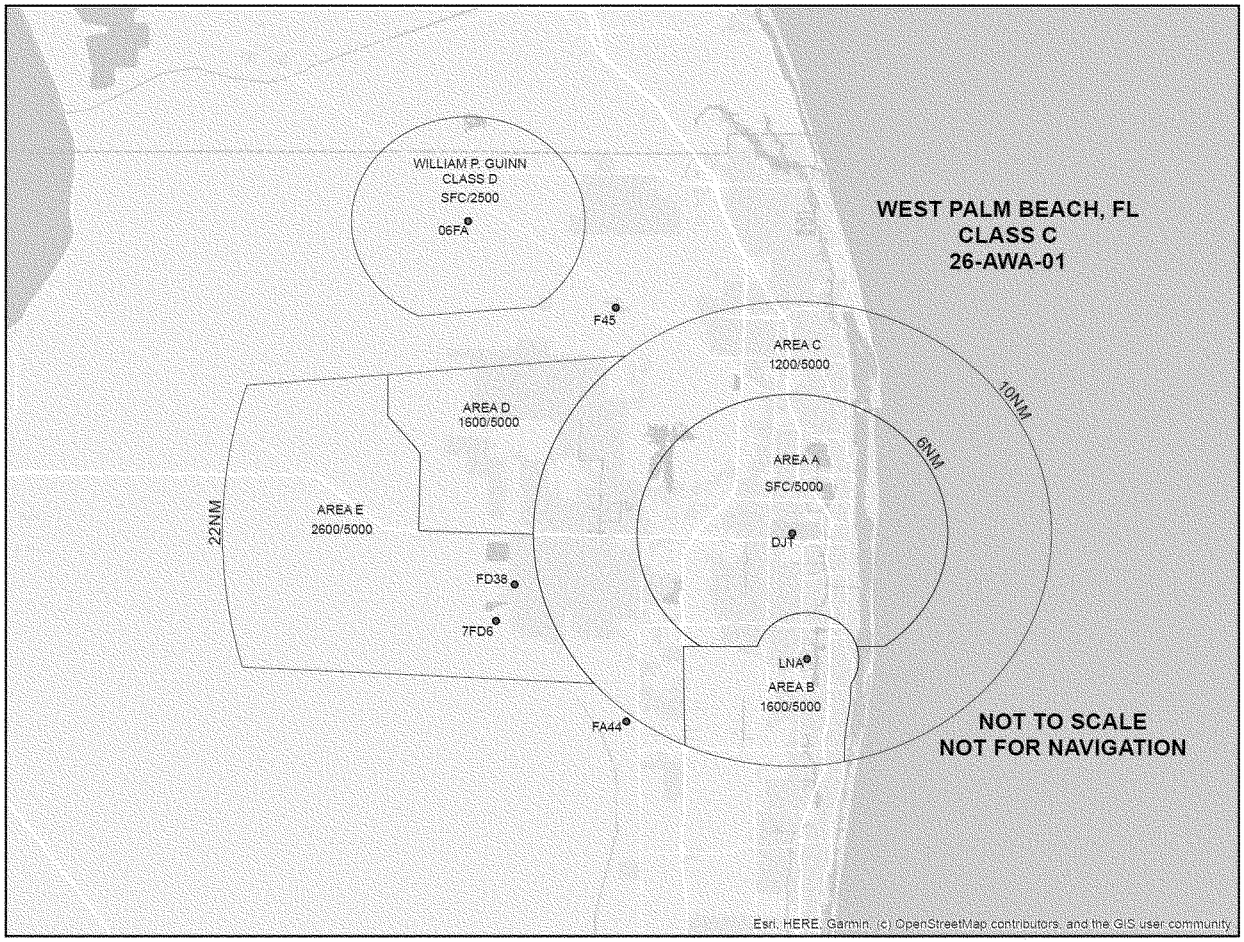
Area B. That airspace extending upward from 1,600 feet MSL to and including 5,000 feet MSL beginning at a point west of Palm Beach County Park Airport that intersects the Florida Turnpike (highway 91) at lat. 26°36′08″ N, long. 080°10′25″ W, thence moving east along lat. 26°36′08″ N, to a point that intersects the 2-mile radius northwest of Palm Beach County Park Airport, thence moving clockwise on the 2-mile radius to the intersection of highway U.S. Route 1 and the 2-mile radius southeast of Palm Beach County Park Airport, thence south along highway U.S. Route 1 to intersect the 10-mile radius of President Donald J. Trump International Airport, thence moving clockwise along the 10-mile radius to a point that intersects the Florida Turnpike at lat. 26°31′52″ N, long. 080°10′22″ W, thence north along the Florida Turnpike to intersect the point of beginning.

Area C. That airspace extending upward from 1,200 feet MSL to and including 5,000 feet MSL within a 10-mile radius of President Donald J. Trump International Airport, excluding Area A and Area B.

Area D. That airspace extending upward from 1,600 feet MSL to and including 5,000 feet MSL beginning at the intersection of the President Donald J. Trump International Airport 320° bearing and the President Donald J. Trump International Airport 10-mile radius, thence moving west on a 265° bearing to a point at lat. 26°47′52″ N, long. 080°23′10″ W, thence moving south to a point at lat. 26°46′04″ N, long. 080°23′10″ W to intersect the L–8 Canal, thence moving southeast following the L–8 Canal to a point at lat. 26°44′26″ N, long. 080°21′46″ W, thence moving south following the L–8 Canal to a point that intersects Southern Boulevard (highway U.S. Route 98) at lat. 26°41′07″ N, long. 080°21′51″ W, thence moving east following Southern Boulevard to intersect the President Donald J. Trump International Airport 10-mile radius, thence moving clockwise along the President Donald J. Trump International Airport 10-mile radius to intersect the point of beginning.

Area E. That airspace extending upward from 2,600 feet MSL to and including 5,000 feet MSL beginning at the intersection of the President Donald J. Trump International Airport 230° bearing and the President Donald J. Trump International Airport 10-mile radius, thence moving west on a 273° bearing to intersect the President Donald J. Trump International Airport 22-mile radius, thence moving clockwise along the 22-mile radius to intersect the President Donald J. Trump International Airport 287° bearing, thence moving east to a point at lat. 26°47′52″ N, long. 080°23′10″ W, thence moving south to a point at lat. 26°46′04″ N, long. 080°23′10″ W to intersect the L–8 Canal, thence moving southeast following the L–8 Canal to a point at lat. 26°44′26″ N, long. 080°21′46″ W, thence moving south following the L–8 Canal to a point that intersects Southern Boulevard (highway U.S. Route 98) at lat. 26°41′07″ N, long. 080°21′51″ W, thence moving east following Southern Boulevard to intersect the President Donald J. Trump International Airport 10-mile radius, thence moving clockwise along the President Donald J. Trump International Airport 10-mile radius to intersect the point of beginning.

* * * * *



Issued in Washington, DC, on November 9, 2026.

Brian Eric Konie,

Acting Manager, Airspace Regulation Group.

[FR Doc. 2026–23109 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Parts 250 and 254

Bureau of Ocean Energy Management

30 CFR Part 550

[Docket ID: BSEE—2026–0133 EEAA021000—278E1700D2—ET1SF0000.EAQ000]

RIN 1082–AA05

Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf; Reopening of Comment Period

AGENCY: Marine Minerals Administration (MMA), Bureau of Safety and Environmental Enforcement (BSEE), Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The Department of the Interior (DOI or Department), acting through MMA, is reopening the comment period for Proposed Rule: Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf, which was published in the **Federal Register** on August 6, 2026.

DATES: The comment period for the proposed rule published August 6, 2026, at 91 FR 50998, is reopened. Comments should be received on or before December 14, 2026.

ADDRESSES: You may submit comments on the rulemaking by any of the following methods. For comments on this proposed rule and associated documents, please use the Regulation Identifier Number (RIN) 1082–AA05 as an identifier in your message.

- *Federal eRulemaking Portal: https://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BSEE–2026–0133, then click search. Follow the instructions to submit public comments and view supporting and related materials available for this rulemaking, including a plain language summary of the proposed rule as required by 5 U.S.C. 553(b)(4). The Bureaus may post all submitted comments. You may continue to submit information collection-related comments to the Federal eRulemaking Portal even though the opportunity to submit Paperwork Reduction Act-related comments on this proposed rule through the Office of Management and Budget's online portal is no longer available. However, please reference ''OMB Control Number 1014–0036 (Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf)'' for Part 250 related comments or ''OMB Control Number 1010–0151 (Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf)'' for Part 550 related comments, as applicable, in the subject line of your comments.

- *Mail or hand-carry comments to the DOI, MMA:* Attention: Regulations and Standards Branch, 45600 Woodland

Road, VAE–ORP, Sterling VA 20166. Please reference RIN 1082–AA05, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,'' in your comments, and include your name and return address.

- *Email: regs@bsee.gov.*
- *Public Availability of Comments:*

Please be aware that MMA's practice is to make comments, including the names and addresses of individuals, available for public inspection. Before including your address, phone number, email address, and any personally identifiable information in your comment, please be advised that your entire comment, including your personally identifiable information, may be made publicly available at any time. For the Agency to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

FOR FURTHER INFORMATION CONTACT: For technical questions related to regulatory changes in Part 250, contact Bobby Kurtz, 805–384–6359. For technical questions related to regulatory changes in Part 550, contact Joel Immaraj, (907) 334–5238. For procedural questions contact Bryce Barlan, Regulations and Standards Branch, *regs@bsee.gov,* (703) 787–1126.

SUPPLEMENTARY INFORMATION: On August 6, 2026, the Department published the Proposed Rule: Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf (91 FR 50998) and opened a 60-day public comment period, which closed on October 5, 2026. After publication of the proposed rule, MMA received requests to extend the comment period on the proposed rule. MMA is reopening the original comment period by an additional 30 days to provide additional time for review of and comment on the Notice of Proposed Rulemaking. Accordingly, comments must be submitted by the extended due date of December 14, 2026. MMA may not fully consider comments received after this date. Secretary's Order 3451 established the Marine Minerals Administration (MMA), which replaced BOEM and BSEE, and provided for a transition period during which existing MMA officials retain operational authority necessary for the uninterrupted accomplishment of its mission. That transition period is ongoing. Accordingly, this notice references BOEM, BSEE and MMA but is issued under the authority of the MMA.

Lanny E. Erdos,

Director, Office of Surface Mining, Reclamation, and Enforcement, Exercising Authority of the Assistant Secretary—Land and Minerals Management.

[FR Doc. 2026–23145 Filed 11–12–26; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2026–2972; FRL–13338–01–R10]

Air Plan Approval; Oregon Department of Environmental Quality; Emission Standards and Controls for Sources Emitting Gasoline Vapors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve a revision to the Oregon State Implementation Plan (SIP) submitted by the Oregon Department of Environmental Quality (ODEQ) on December 17, 2025, for the Portland and Salem/Keizer, Oregon 1979 1-hour ozone maintenance areas. The proposed revision updates ODEQ's requirements in the SIP for Stages I and II vapor recovery systems at gasoline dispensing facilities including: decommissioning existing Stage II systems incompatible with onboard refueling vapor recovery systems; allowing removal from service of Stage II vapor recovery equipment compatible with onboard refueling vapor recovery; and removing the requirement for Stage II vapor recovery at new installations. The proposed revisions also include more widespread adoption of Stage I Enhanced Vapor Recovery, Stage I vapor balance, and enhanced conventional nozzles, among other changes. The EPA is proposing to find that ODEQ's demonstration to remove Stage II requirements is consistent with the Clean Air Act and the EPA's guidance.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2026–2972 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. 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.*

FOR FURTHER INFORMATION CONTACT: Tess Bloom, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at phone number (206) 553–6362, or email address *bloom.tess@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. We use multiple abbreviations and terms in this document. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and abbreviations here:

CAA—Clean Air Act
CFR—Code of Federal Regulations
ECO—Enhanced Conventional
EPA—Environmental Protection Agency
EVR—Enhanced Vapor Recovery
GDF—Gasoline Dispensing Facility
ODEQ—Oregon Department of Environmental Quality
ORVR—Onboard Refueling Vapor Recovery
NAAQS—National Ambient Air Quality Standards
SIP—State Implementation Plan

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I. Executive Summary

A. What action is the EPA taking?

The EPA is proposing that the Oregon SIP submission meets the requirements of the Clean Air Act (CAA or the Act)

and will not interfere with any applicable requirement concerning attainment or reasonable further progress or any other Clean Air Act requirement. Therefore, the EPA is proposing to approve and incorporate by reference Oregon's Division 244 rules, ''Oregon Federal Hazardous Air Pollutant Program'' and Division 216 rules, ''Air Contaminant Discharge Permits'' (State-effective March 25, 2024). This version of the regulations removes from the Oregon SIP the requirement for Stage II vapor recovery systems in ODEQ's jurisdiction and adds additional VOC controls such as the installation of Stage I Enhanced Vapor Recovery (EVR), Stage I Vapor Balance Systems, and/or Enhanced Conventional (ECO) nozzles, as well as other changes since the EPA's last approval as discussed in section III of this document.

B. What is the legal authority and what are the requirements?

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations.[1]

CAA section 110(l) provides that ''. . . The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in [CAA section 171]) or any other applicable requirement of [the CAA].'' [2]

II. Background

Under CAA section 109, the EPA establishes National Ambient Air Quality Standards (NAAQS or standards) for certain ''criteria'' air pollutants known to be harmful to human health and the environment, and to conduct periodic reviews of the standards.[3] Upon promulgation of a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. that are violating the NAAQS as ''nonattainment''.[4] All areas designated nonattainment are assigned a classification level.[5] The planning and control requirements as well as the attainment dates for each area are based on that area's classification.

One of the criteria air pollutants is ground-level ozone. Ground-level ozone is typically created by chemical reactions between nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of heat and sunlight. Cars, trucks, buses, engines, industries, power plants and products such as solvents and paints are among the major manmade sources of ozone-forming emissions. Exposure to ozone can harm the respiratory system, aggravate asthma and other lung diseases, and is linked to premature death from respiratory causes.

In 1979, under CAA section 109, the EPA established the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone at 0.12 parts per million (ppm) averaged over a one-hour period.[6] In 1997, the EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an eight-hour period.[7] In 2008, the EPA further revised the primary and secondary ozone NAAQS to 0.075 ppm, averaged over an eight-hour period.[8] In 2015, the EPA again revised the primary and secondary ozone NAAQS to 0.070 ppm, averaged over an eight-hour period.[9]

Stage II vapor recovery is an air pollution control technology for automobiles and other on-road mobile sources. When an automobile or other vehicle is brought into a gas station to be refueled, the empty portion of the gas tank on the vehicle contains gasoline vapors, which are VOCs. When liquid gasoline is pumped into the partially empty gas tank in the vehicle the vapors are displaced out of the tank as the tank fills with liquid gasoline. Where air pollution control technology is not used, these vapors are emitted into the air. In the atmosphere, these VOCs can, in the presence of sunlight, react with NO_X and VOCs from other sources to form ozone. The Stage II system consists of special nozzles and coaxial hoses at each gas pump that capture vapor from the vehicle's fuel tank and route them to underground or above ground storage tanks during the refueling process.

Onboard refueling vapor recovery (ORVR) is another emission control system that can capture fuel vapors from vehicle gas tanks during refueling. ORVR systems are carbon canisters installed directly on automobiles to capture the fuel vapors displaced from the gasoline tank before they are released to the atmosphere. The fuel vapors captured in the carbon canisters are then combusted in the engine when the automobile is started and operated after refueling.

Stage II vapor recovery systems and vehicle ORVR systems were initially both required by the 1990 Amendments to the CAA, with Stage II requirements applying to certain nonattainment areas. Under CAA section 182(b)(3), ozone nonattainment areas classified as moderate and above were required to adopt Stage II requirements. CAA section 202(a)(6) requires an onboard system of capturing vehicle refueling emissions, commonly referred to as an ORVR system. In 1994, the EPA promulgated ORVR standards.[10] CAA section 202(a)(6) required that the EPA's ORVR standards apply to light-duty vehicles manufactured beginning in the fourth model year after the model year in which the standards were promulgated, and that ORVR systems provide a minimum evaporative emission capture efficiency of 95 percent.[11] ORVR equipment has been phased in for new light duty vehicles (passenger vehicles) beginning with model year 1998 and starting with model year 2001 for light-duty trucks and most heavy-duty gasoline powered vehicles. Since 2006, ORVR has been a required emissions control on nearly all new gasoline-powered highway vehicles having less than 14,000 pounds gross vehicle weight rating. CAA section 202(a)(6) provides discretionary authority to the Administrator, by rule, to revise or waive the application of the Stage II requirements for areas classified as Serious, Severe, or Extreme for ozone, as appropriate, after such time as the Administrator determines that onboard emissions control systems are in widespread use throughout the motor vehicle fleet.

On May 16, 2012, the EPA issued a national rule finding that ORVR systems are in ''widespread use'' and determined that emission reductions from ORVR alone are essentially equal to and will soon surpass the emission reductions achieved by Stage II alone.[12] The EPA noted that each year, non-ORVR-equipped vehicles continue to be replaced with ORVR-equipped vehicles and Stage II and ORVR systems capture the same VOC emissions and thus, are redundant.[13] The EPA also determined that ORVR systems are in widespread use and waived the Stage II requirement for gasoline dispensing facilities (GDFs) if doing so did not interfere with

[1] 42 U.S.C. 7410(k); 40 CFR 52.02(a).

[2] 42 U.S.C. 7410(l).

[3] 40 CFR 51.1318.

[4] CAA section 107(d)(1)(B).

[5] CAA section 181(a)(1). The five classification levels for ozone are Marginal, Moderate, Serious, Severe, and Extreme.

[6] 44 FR 8202 (February 8, 1979).

[7] 62 FR 38856 (July 18, 1997).

[8] 73 FR 16436 (March 27, 2008).

[9] 80 FR 65292 (October 26, 2015).

[10] 59 FR 16262 (April 6, 1994).

[11] Unlike Stage II, which is a requirement only in certain ozone nonattainment areas, ORVR requirements apply to vehicles everywhere.

[12] 77 FR 28772 (May 16, 2012) at page 28772.

[13] *Id.*

attaining or maintaining the ozone standards.[14] The EPA also noted that any State currently implementing Stage II vapor recovery programs may submit SIP revisions that would allow for the phase-out of Stage II vapor recovery systems including a CAA section 110(l) analysis showing that its removal did not interfere with attaining or maintaining the ozone standards.[15]

On August 7, 2012, the EPA issued non-binding guidance to assist States in developing and submitting approvable SIP revisions to remove the Stage II vapor recovery programs. The EPA's ''Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures'' (hereafter referred to as the EPA 2012 Guidance) provides both technical and policy recommendations to States and introduces methods and equations that could be used to calculate the emissions consequences of discontinuing Stage II control programs for purposes of demonstrating compliance with specific provisions CAA in sections 110(l) and 193 governing the EPA's approval of SIP revisions.[16]

The Portland/Vancouver area was designated an interstate ozone nonattainment area in 1978. On November 15, 1990, the CAA Amendments of 1990 were enacted.[17] Under CAA section 181(a)(1) of the 1990 CAA, the area was further classified as a ''Marginal'' ozone nonattainment area. This interstate nonattainment area consisted of the southern portion of Clark County, Washington, and portions of Multnomah, Clackamas, and Washington Counties in Oregon. In 1997, the EPA redesignated the Portland/Vancouver area to attainment.[18] The Portland/Vancouver area was designated as ''unclassifiable/attainment'' due to the data showing the area was below subsequent NAAQS updates, including the 1997 eight-hour ozone NAAQS,[19] the 2008 eight-hour ozone NAAQS,[20] and the 2015 eight-hour ozone NAAQS.[21]

The Portland/Vancouver area was not subject to Stage II requirements under the 1990 Clean Air Act Amendments as it was classified as Marginal nonattainment for the 1-hour NAAQS for ozone, rather than Moderate or above. However, ODEQ submitted Stage II regulations for the area to the EPA on August 30, 1996 (at the time of submittal named the Division 22 Rules), which became State-effective on August 14, 1996. This submittal contained Stage II requirements as a SIP-strengthening measure approved concurrently with redesignation of the Portland/Vancouver area to attainment.[22] On December 19, 2011,[23] the EPA approved ODEQ's maintenance plan update for the Portland portion of the Portland/Vancouver area and the Salem/Keizer area that specifically anticipated and modeled widespread use of ORVR and the full decommissioning of Stage II in the modeling demonstration of continued attainment through 2015. The ODEQ maintenance plan update and the modeling demonstration are included in the docket for this action.

III. ODEQ's SIP Revision

On December 17, 2025, ODEQ, as the Governor's designee for revisions to the SIP, submitted the relevant provisions of Oregon's Division 244 rules, ''Oregon Federal Hazardous Air Pollutant Program'' and Division 216 rules, ''Air Contaminant Discharge Permits'' (State effective March 25, 2024) for EPA approval into the Oregon SIP. We note that all GDF rules formerly in Division 242 have been repealed and incorporated into Oregon's Division 244 rules. The changes to Oregon's rules include the replacement of Stage II requirements as a control strategy for ozone in Oregon with updated vapor recovery requirements. Per ODEQ's revision, a GDF must, in place of the Stage II requirement, install Stage I Enhanced Vapor Recovery (EVR), Stage I Vapor Balance Systems, and/or Enhanced Conventional (ECO) nozzles depending on the GDF's geographic location, whether the GDF uses Stage II ORVR-incompatible dispensing equipment, and the GDF's throughput.

Oregon's Division 244 rules in the SIP only apply in Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas and all of Clackamas, Multnomah, and Washington counties. Per Attachment One of ODEQ's SIP submittal, although the State rule changes apply statewide, ODEQ requested that this SIP revision continue to apply to the same areas for which the rules were previously applicable. Rules that ODEQ submitted for SIP approval contain a parenthetical note indicating that they apply only to ''affected sources in the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas and all of Clackamas, Multnomah, and Washington counties'' (*i.e.,* 340–244–0231, –0232, –0234, –0237, –0238, –0241, –0242, –0243, –0245, –0246, –0247, –0248, –0249, –0250, –0251).

In its SIP submission, Oregon organized their emissions analysis by four scenarios where there will be a change in emissions. These scenarios are listed in Attachment One of the submittal. In Scenario One and Scenario Two, Oregon refers to the tri-county area (Clackamas, Multnomah, and Washington counties), rather than the broader area for which the SIP approval applies, as Stage II controls were previously only required for the tri-county area per OAR 340–242–0520, which was repealed as part of this rulemaking.

The four scenarios, as outlined in Attachment One of the State SIP submission, are as follows:

- *Scenario One:* GDFs must either replace Stage II ORVR-incompatible equipment with Stage I EVR and ECO nozzles or replace Stage II ORVR-incompatible equipment with Stage II compatible equipment. OAR 340–244–0234, –0242, –0243, –0246, –0247, and –0248.
- *Scenario Two:* In the tri-county area, GDFs must install Stage I EVR and ECO nozzles when Stage II compatible equipment is removed. OAR 340–244–0234, –0242, –0243, –0246, –0247, and –0248.
- *Scenario Three:* GDFs with throughput greater than or equal to 1,000,000 gallons per year must install Stage I EVR and ECO nozzles on all dual-point gasoline storage tanks by 2030. Stage II equipment must be decommissioned by 2030 for GDFs of this size as a Stage II vapor recovery systems would not be compatible with ECO nozzles. OAR 340–244–0234, 0243, –0246, –0247, and –0248.
- *Scenario Four:* Statewide, GDFs with throughput greater than or equal to 600,000 gallons per year must install Stage I EVR and ECO nozzles for any new or replaced tanks. GDFs with throughput between 120,000 and 600,000 gallons per year must install Stage I vapor balance systems on any new or replaced tank. OAR 340–244–0234, –0241, –0242, –0246, and –0247.

In the SIP submittal, ODEQ provided a demonstration, discussed in section IV of this document, that VOC emission reductions from the revised controls outweigh the annual emissions impact of removing Stage II requirements.

[14] *Id.,* pages 28776 through 28779.

[15] *Id.*

[16] The EPA 2012 Guidance is available at: *https://www.epa.gov/ground-level-ozone-pollution/ozone-stage-two-vapor-recovery-rule-and-guidance/.*

[17] Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.

[18] 62 FR 27204 (May 19, 1997).

[19] 69 FR 23857 (April 30, 2004).

[20] 77 FR 30088 (May 21, 2012).

[21] 82 FR 54232 (November 16, 2017).

[22] *See* proposed rulemaking, 62 FR 10501 (March 7, 1997) at page 10507.

[23] 76 FR 78751 (December 19, 2011).

Therefore, ODEQ requested removal of Stage II vapor recovery system requirements in the SIP for ODEQ's jurisdiction.

IV. The EPA's Evaluation of the Revision

The EPA reviewed ODEQ's submittal, including the revised Division 216 and Division 244 regulatory text as well as the accompanying analysis of emissions impacts. Based on this review, we have determined that ODEQ's December 17, 2025 SIP revision will not interfere with attainment or maintenance of any NAAQS. ODEQ's analysis addresses the EPA's Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver [24] and is consistent with the EPA's 2012 Guidance.

ODEQ's demonstration was based on an analysis of precursor VOC emissions from removal of Stage II controls at GDFs, as well as emission reduction benefits from other changes to the regulations such as requirements for Stage I Enhanced Vapor Recovery (EVR), Stage I Vapor Balance Systems, and/or Enhanced Conventional (ECO) nozzles. ODEQ estimated emissions impacts using the guidance methodologies from the EPA 2012 Guidance showing an overall benefit to air quality and a reduction of VOC emissions upon full implementation of the rule requirements by 2030. ODEQ estimated the impact on emissions from decommissioning Stage II in its jurisdiction by using the EPA's approved equations from the EPA's 2012 Guidance, to assess compliance with CAA section 110(l). Details regarding ODEQ's calculation methodology and results are included in the docket for this action.

The demonstration indicates that ORVR is incompatible with Stage II vapor control and that there is an emissions increase of retaining Stage II requirements with vehicle fleet turnover and ORVR penetration. The removal of Stage II requirements, in addition to an update to the regulations to accommodate ORVR, provides a net emissions benefit as shown in the demonstration. As discussed in the EPA 2012 Guidance, the EPA has developed equations to assist States in evaluating the emissions consequences of phasing out existing Stage II programs. These equations may be used to calculate an ''increment,'' which identifies the area-wide emission control gained from Stage II installations as ORVR technology phases in. ODEQ estimates that the replacement of Stage II controls with all control scenarios, as detailed in section II of this document, will result in emissions reductions.

The greatest emissions reductions are anticipated for scenario one in which Stage II ORVR-incompatible equipment must be replaced in the tri-county area by 2025, and scenario three, in which Oregon's largest GDFs must have Stage I EVR and ECO nozzles installed by 2030 on all dual-point gasoline storage tanks. Projecting total emissions reduction by 2030, the total emissions reduction of VOCs anticipated for each scenario on a tons per year (tpy) basis is 281.63 tpy for Scenario One, 146.46 tpy for Scenario Two, 375.78 tpy for Scenario Three, and 38.58 tpy for Scenario Four per tables four through six of Attachment One of the SIP submission.

In addition, the EPA expects that market saturation of ORVR-equipped vehicles will remain static or increase in the years after 2023, meaning the air quality benefits of these changes will continue into the future.

Lastly, the removal of Stage II is consistent with the current maintenance plan update for the Portland portion of the Portland/Vancouver ozone area that the EPA approved on December 19, 2011.[25] The associated modeling, included in the docket for this action, anticipated the decommissioning of Stage II in the projection of continued ozone attainment for the 1997 8-hour ozone NAAQS.[26] For the 2008 and 2015 ozone NAAQS, all counties within ODEQ's jurisdiction are designated attainment/unclassifiable. The EPA finds that removal of Stage II vapor recovery systems combined with the additional emissions control requirements in the revised rules would have a neutral to positive impact on ozone levels, and likely $PM_{2.5}$ levels as VOCs are precursors to $PM_{2.5}$. Thus, we propose to determine that approval of the SIP revision would not interfere with any applicable requirement concerning attainment and maintenance of any ozone standard and is compliant with CAA section 110(l).

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Oregon's Division 244 and Division 216 rules as discussed in section IV of this document. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 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 Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations.[27] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. 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; [28]
- Is not an Executive Order 14192 [29] 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; [30]
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act; [31]
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995; [32]
- Does not have federalism implications as specified in Executive Order 13132; [33]
- Is not subject to Executive Order 13045 [34] because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211; [35] and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 [36] because application of

[24] 77 FR 28772 (May 16, 2012).

[25] 76 FR 78571 (December 19, 2011).

[26] Consistent with the EPA's guidance, ODEQ evaluated compliance with the 1997 8-hour ozone NAAQS because the former 1-hour ozone NAAQS was replaced by the 1997 8-hour standard. *See* 62 FR 38856 (July 18, 1997) and 75 FR 24844 (May 6, 2010).

[27] 42 U.S.C. 7410(k); 40 CFR 52.02(a).

[28] 58 FR 51735 (October 4, 1993).

[29] 90 FR 9065 (February 6, 2025).

[30] 44 U.S.C. 3501 *et seq.*

[31] 5 U.S.C. 601 *et seq.*

[32] Public Law 104–4.

[33] 64 FR 43255 (August 10, 1999).

[34] 62 FR 19885 (April 23, 1997).

[35] 66 FR 28355 (May 22, 2001).

[36] 15 U.S.C. 272 note.

those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.[37]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: October 29, 2026.

Emma Pokon,

Regional Administrator, Region 10.

[FR Doc. 2026–23124 Filed 11–12–26; 8:45 am]

BILLING CODE 6569–60–P

[37] 65 FR 67249 (November 9, 2000).

Notices

Federal Register
Vol. 91, No. 218
Friday, November 13, 2026

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

DEPARTMENT OF AGRICULTURE

Forest Service

Yavapai Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Yavapai Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Kaibab and Coconino National Forest, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on November 19, 2026, from 1 p.m.–4 p.m., MST.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. MST on November 17, 2026. Written public comments will be accepted by 5 p.m. MST on November 17, 2026. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Prescott Fire Center at 2400 Melville Road, Prescott, AZ 86301 and virtually via telephone and/or video conference. Members of the public may participate in the meeting by joining virtually via videoconference at: Microsoft Teams meeting. Passcode: passcode or Dial in by phone +1 (202) 650–0123, passcode# United States, Washington; Phone conference ID: conference ID#. Committee information and meeting details can be found at the following website *https://www.fs.usda.gov/r03/prescott/working-with-us/committees* by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *rebekah.blakley@usda.gov or* via mail (postmarked) to Rebekah Blakley, Yavapai RAC Coordinator, 735 N Highway 89, Chino Valley, AZ 86323. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. MST on November 17, 2026 and speakers can only register for one speaking slot. Oral comments must be sent by email to *rebekah.blakley@usda.gov* or via mail (postmarked) to Rebekah Blakley, Yavapai RAC Coordinator, 735 N Highway 89, Chino Valley, AZ 86323.

FOR FURTHER INFORMATION CONTACT: Ashley Hom, Designated Federal Officer (DFO), (719) 239–1139, *ashley.hom@usda.gov* or Rebekah Blakley, Yavapai RAC Coordinator, (928) 777–2218, *rebekah.blakley@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear Recreation Fee Proposals for the Coconino and Kaibab National Forests; and

2. Vote on Recreation Fee Proposals for the Coconino and Kabab National Forests.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

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

Dated: November 10, 2026.

Egypt Simon,

Acting USDA Committee Management Officer.

[FR Doc. 2026–23136 Filed 11–12–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Flathead Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Flathead Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Flathead

National Forest, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person meeting will be held on November 18, 2026, at 5:30 p.m. to 8:30 p.m. Mountain Standard Time and November 19, 2026—5:30 to 8:30 p.m. Mountain Standard Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by November 12, 2026, 11:59 p.m. Mountain Standard Time. Written public comments will be accepted by 11:59 p.m. Mountain Standard Time on November 17, 2026. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Flathead National Forest Supervisor's Office, located at 650 Wolfpack Way, Kalispell Montana. Committee information and meeting details can be found at the following website *https://www.fs.usda.gov/main/flathead/workingtogether/advisorycommittees or* by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *ivy.gehling@usda.gov or* via mail (postmarked) to Ivy Gehling, 650 Wolfpack Way, Kalispell Montana 59901. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Mountain Standard Time on November 17, 2026 and speakers can only register for one speaking slot. Oral comments must be sent by email to *ivy.gehling@usda.gov* or via mail (postmarked) to Ivy Gehling, 650 Wolfpack Way, Kalispell Montana 59901.

FOR FURTHER INFORMATION CONTACT: William Wehunt, Designated Federal Officer, (406) 758–5280, *william.wehunt@usda.gov* or Ivy Gehling, RAC Coordinator, (406) 758–5251, *ivy.gehling@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss Title II project proposals;
2. Make funding recommendations on Title II projects;
3. Approve meeting minutes;
4. Public Comment; and
5. Schedule the next meeting

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

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

Dated: November 10, 2026.

Egypt Simon,

Acting USDA Committee Management Officer.

[FR Doc. 2026–23138 Filed 11–12–26; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of Business Meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a business meeting of the Oregon Advisory Committee to the U.S. Commission on Civil Rights will hold a business meeting via Zoom. The purpose of the meeting is to plan for future briefings and vote to approve list of panelists.

DATES: Wednesday, November 18, 2026, from 1 p.m.–2 p.m. Pacific Time.

ADDRESSES: The meeting will be held via Zoom.

November 18th—Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_k08-9XFWTPqx_R2hkdX8IA.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 165 482 5614.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer at *kfajota@usccr.gov,* or (434) 515–2395.

SUPPLEMENTARY INFORMATION:

Agenda: https://usccr.box.com/s/2x0rmdx2coz4x2g83zq9j9obgwbcl9oc (Note: a final meeting agenda will be available prior to the meeting date).

This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any 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 Angelica Trevino, Support Services Specialist at *atrevino@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Kayla Fajota, Designated Federal Officer at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the

file sharing website: *https://usccr.app.box.com/folder/271061562007?s=r6h92j9j27b78vvft9voq7b6kzdphlbl* 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 the above phone number.

Dated: November 10, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–23143 Filed 11–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–3–2026]

Foreign-Trade Zone 84; Approval of Subzone Status; Southwest GFI LLC dba Gourmet Foods International Inc.; Conroe, Texas

On January 7, 2026, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Port of Houston Authority, grantee of FTZ 84, requesting subzone status subject to the existing activation limit of FTZ 84, on behalf of Southwest GFI LLC dba Gourmet Foods International Inc. in Conroe, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 956, January 9, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 84AO was approved on November 9, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 84's 3,000-acre activation limit.

Dated: November 9, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–23174 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–143–2026]

Foreign-Trade Zone (FTZ) 62, Notification of Proposed Production Activity; Penn Aluminum International, LLC; (Extruded and Drawn Coiled Aluminum Tubing); Harlingen, Texas

Penn Aluminum International, LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Harlingen, Texas within FTZ 62. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 13, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished product is extruded and drawn coiled aluminum tubing (duty-free).

The proposed foreign-status material/component is aluminum billets (duty rate 50%).

The request indicates that aluminum billets are subject to duties under section 232 of the Trade Expansion Act of 1962 and section 301 of the Trade Act of 1974, depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41). The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is December 23, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: November 9, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–23172 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–87–2026]

Foreign-Trade Zone (FTZ) 18; Withdrawal of Notification of Proposed Production Activity; Pactron, Inc.; (Printed Circuit Board Assemblies); Santa Clara, California

Notice is hereby given of the withdrawal of the notification of proposed production activity submitted by Pactron, Inc. for its facility in Santa Clara, California, within FTZ 18. The notification was docketed on July 13, 2026 (91 FR 46394). The withdrawal was requested by Pactron, Inc. on November 6, 2026.

Dated: November 9, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–23173 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 29, 2026, the U.S. Court of International Trade (CIT) issued its final judgment in *Jinko Solar Import and Export Co., Ltd., et. al.* v. *United States,* Consol. Court no. 22–00219, sustaining the U.S. Department of Commerce's (Commerce) third remand results pertaining to the administrative review of the antidumping duty (AD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China covering the period December 1, 2019, through November 30, 2020 (2019–2020 AD administrative review). Commerce is notifying the public that the CIT's final judgment is not in harmony with the

final results of the 2019–2020 AD administrative review. Thus, Commerce is amending the final results of that review by recalculating the dumping margins for Jinko, Risen, JA Solar Technology Yangzhou Co., Ltd. (JA Solar Yangzhou), Shanghai JA Solar Technology Co., Ltd. (Shanghai JA Solar), and BYD (Shangluo) Industrial Co., Ltd. (BYD).

DATES: Applicable November 8, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Blythe, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3457.

SUPPLEMENTARY INFORMATION:

Background

On June 28 and August 10, 2022, Commerce published in the **Federal Register** the *Final Results* and *Amended Final Results,* respectively, of the 2019–2020 AD administrative review of crystalline silicon photovoltaic cells, whether or not assembled into modules, (solar cells) from the People's Republic of China (China).[1] In the *Amended Final Results* Commerce calculated weighted-average dumping margins of 20.99 and 12.24 percent for Jinko [2] and Risen,[3] respectively, and a separate rate of 14.79 percent for JA Solar Yangzhou, Shanghai JA Solar, BYD, and other non-individually examined companies that qualified for a separate rate (collectively, the separate rate companies).

Jinko, Risen, JA Solar Yangzhou, Shanghai JA Solar, BYD, and Trina [4] appealed Commerce's *Amended Final Results.* On May 1, 2024, the CIT remanded the *Amended Final Results* to Commerce and instructed Commerce to further explain or reconsider the surrogate values that it assigned to solar glass and air freight, its methodology for calculating facts available with an adverse inference, and the dumping margin that it applied to JA Solar Yangzhou, Shanghai JA Solar, and BYD.[5]

In its first remand redetermination, issued in August 2024, Commerce explained its selection of surrogate values for solar glass and air freight and the methodology that it used to apply facts available with an adverse inference to Risen, and noted that since it made no changes to its calculations, it was not necessary to recalculate the separate rate assigned to JA Solar Yangzhou, Shanghai JA Solar, or BYD.[6] The CIT remanded the review to Commerce for a second time, ordering Commerce to reconsider the surrogate value that it selected for solar glass, its calculation of facts available with an adverse inference, and its determination of the separate rate assigned to JA Solar Yangzhou, Shanghai JA Solar, and BYD.[7]

In its second remand redetermination, issued in September 2025, Commerce continued to select the same surrogate value for solar glass, continued to use, and explained why it was reasonable to use, the same methodology to apply partial adverse facts available (AFA) to Risen, and continued to assign JA Solar Yangzhou, Shanghai JA Solar, and BYD the same separate rate that it assigned to these companies in the *Amended Final Results*.[8] The CIT remanded the review to Commerce for a third time, ordering Commerce to reconsider its valuation of solar glass and its determination of the separate rate assigned to JA Solar Yangzhou, Shanghai JA Solar, and BYD.[9]

In its final remand redetermination, issued in August 2026, Commerce assigned a new surrogate value to solar glass and recalculated the separate rate that it assigned to JA Solar Yangzhou, Shanghai JA Solar, and BYD.[10] The CIT sustained Commerce's final redetermination.[11]

Timken Notice

In its decision in *Timken,*[12] as clarified by *Diamond Sawblades,*[13] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with Commerce's determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 29, 2026, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results* (as amended). Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment regarding the 2019–2020 AD administrative review of solar cells from China, Commerce is amending its *Final Results* (as previously amended) with respect to Jinko, Risen, JA Solar Yangzhou, Shanghai JA Solar, and BYD. Specifically, in these amended final results of review pursuant to the final court judgement noted above, Commerce determines that the following estimated weighted-average dumping margins exist for the companies listed below for the period December 1, 2019, through November 30, 2020:

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020,* 87 FR 38379 (June 28, 2022) (*Final Results*); *see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review, 2019–2020,* 87 FR 48621 (August 10, 2022) (*Amended Final Results*).

[2] Jinko refers to the collapsed entity comprising Jinko Solar Import and Export Co., Ltd., Jinko Solar Co., Ltd., JinkoSolar Technology (Haining) Co., Ltd., Yuhuan Jinko Solar Co., Ltd., Zhejiang Jinko Solar Co., Ltd., Jiangsu Jinko Tiansheng Solar Co., Ltd., JinkoSolar (Chuzhou) Co., Ltd., JinkoSolar (Yiwu) Co., Ltd., and JinkoSolar (Shangrao) Co., Ltd.

[3] Risen refers to the collapsed entity comprising Risen Energy Co. Ltd., Risen (Wuhai) New Energy Co., Ltd., Zhejiang Twinsel Electronic Technology Co., Ltd., Risen (Luoyang) New Energy Co., Ltd., Jiujiang Shengzhao Xinye Technology Co., Ltd., Jiujiang Shengzhao Xinye Trade Co., Ltd., Ruichang Branch/Risen Energy (HongKong) Co., Ltd., Risen Energy (Changzhou) Co., Ltd., and Risen Energy (YIWU) Co., Ltd.

[4] Trina refers to the collapsed entity comprising Trina Solar Co., Ltd., Trina Solar (Changzhou) Science and Technology Co., Ltd., Yancheng Trina Guoneng Photovoltaic Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Turpan Trina Solar Energy Co., Ltd., Hubei Trina Solar Energy Co., Ltd., Trina Solar (Hefei) Science and Technology Co., Ltd., and Changzhou Trina Hezhong Photoelectric Co., Ltd.

[5] *See Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* 701 F.Supp.3d 1367 (CIT 2024) (*Jinko I*).

[6] *See Final Results of Redetermination Pursuant to Court Remand, Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* Consol. Court No. 22–00219, Slip Op. 24–53 (CIT May 1, 2024), dated August 29, 2024, available at *https://access.trade.gov/FinalRemandRedetermination.*

[7] *See Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* 789 F.Supp.3d 1275 (CIT 2025).

[8] *See Final Results of Redetermination Pursuant to Court Remand, Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* Consol. Court No. 22–00219, Slip Op. 25–67 (CIT 2025) dated September 26, 2025, available at *https://access.trade.gov/FinalRemandRedetermination.*

[9] *See Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* 829 F.Supp.3d 1247 (CIT 2026).

[10] *See Final Results of Redetermination Pursuant to Court Remand, Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* Consol. Court No. 22–00219, Slip Op. 26–30 (CIT 2026) dated August 13, 2026, available at *https://access.trade.gov/FinalRemandRedetermination.*

[11] *See Jinko Solar Import and Export Co., Ltd., et. al.,* v. *United States,* Slip Op. 26–133 (CIT October 29, 2026).

[12] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[13] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter	Weighted-average dumping margin (percent)
Jinko Solar Import and Export Co., Ltd./Jinko Solar Co., Ltd./JinkoSolar Technology (Haining) Co., Ltd./Yuhuan Jinko Solar Co., Ltd./Zhejiang Jinko Solar Co., Ltd./Jiangsu Jinko Tiansheng Solar Co., Ltd./JinkoSolar (Chuzhou) Co., Ltd./JinkoSolar (Yiwu) Co., Ltd./JinkoSolar (Shangrao) Co., Ltd.	4.76
Risen Energy Co. Ltd./Risen (Wuhai) New Energy Co., Ltd./Zhejiang Twinsel Electronic Technology Co., Ltd./Risen (Luoyang) New Energy Co., Ltd./Jiujiang Shengzhao Xinye Technology Co., Ltd./Jiujiang Shengzhao Xinye Trade Co., Ltd./Ruichang Branch/Risen Energy (HongKong) Co., Ltd./Risen Energy (Changzhou) Co., Ltd./Risen Energy (YIWU) Co., Ltd.[14]	0.00
Review-Specific Rate Applicable to the Following Non-Examined Companies	
BYD (Shangluo) Industrial Co., Ltd.	4.76
JA Solar Technology Yangzhou Co., Ltd.	4.76
Shanghai JA Solar Technology Co., Ltd.	4.76

Cash Deposit Requirements

Commerce will issue appropriate cash deposit instructions to U.S. Customs and Border Protection (CBP) based on these amended results of review. Because Jinko, BYD, JA Solar Yangzhou, and Shanghai JA Solar each have a superseding cash deposit rate, *i.e.,* Commerce published in the **Federal Register** the final results of subsequent reviews covering these companies, Commerce will not issue revised cash deposit instructions for these companies based on these amended results of review. Thus, this notice will not affect the current cash deposit rates for these companies. However, because Risen does not have a superseding cash deposit rate, Commerce will issue a revised cash deposit instruction regarding Risen to CBP.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by the CIT's order from liquidating entries of subject merchandise that was exported by Jinko, Risen Energy Co., Ltd., JA Solar Yangzhou, Shanghai JA Solar, BYD, or Trina [15] and entered, or withdrawn from warehouse, for consumption during the period December 1, 2019 through November 30, 2020. These entries will remain enjoined pursuant to the terms of the injunctions during the pendency of any appeals process.

In the event that the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Jinko, Risen Energy Co., Ltd., JA Solar Yangzhou, Shanghai JA Solar, BYD, or Trina in accordance with 19 CFR 351.212(b). Commerce will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the estimated weighted-average dumping margin for the exporter or the importer-specific *ad valorem* assessment rate for an importer of the exporter's subject merchandise is not zero or *de minimis.* Where the estimated weighted-average dumping margin for the exporter or an importer-specific *ad valorem* assessment rate for an importer of the exporter's subject merchandise is zero or *de minimis,*[16] Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: November 6, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

[FR Doc. 2026–23154 Filed 11–12–26; 8:45 am]

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[14] While Risen Energy Co. Ltd. is the only company in this group that was party to the litigation, Commerce treated Risen Energy Co. Ltd. and the other companies listed here as a single entity in the *Final Results* and *Amended Final Results.* Therefore, the weighted-average dumping margin applies to the entire entity.

[15] In *Jinko I,* the CIT sustained Commerce's determination in the *Final Results* and *Amended Final Results* that the collapsed entity comprising the following companies is not eligible for a separate rate: Trina Solar Co., Ltd., Trina Solar (Changzhou) Science & Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Turpan Trina Solar Energy Co., Ltd., Trina Solar (Hefei) Science & Technology Co., Ltd., and Changzhou Trina Hezhong Photoelectric Co., Ltd. Therefore, the dumping margin applicable to the Trina single entity is not affected by these amended results of review and these companies are not listed in the above rate table.

[16] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–135, C–570–136]

Certain Chassis and Subassemblies Thereof From the People's Republic of China: Continuation of Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order and countervailing duty (CVD) order on certain chassis and subassemblies thereof from the People's Republic of China would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable November 2, 2026.

FOR FURTHER INFORMATION CONTACT: Blair Hood, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8329.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 2021, Commerce published in the **Federal Register** the antidumping duty order on certain chassis and subassemblies thereof from the People's Republic of China, while the countervailing duty order was published on May 10, 2021.[1] On April 1, 2026, Commerce initiated [2] the first sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[3]

[1] *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order,* 86 FR 36093 (July 8, 2021); *see also Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination,* 86 FR 24844 (May 10, 2021) *(Orders).*

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 16181 (April 1, 2026).

[3] *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Final Results*

On November 2, 2026, the ITC published its final determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Orders

The merchandise covered by this order consists of chassis and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, whether coated or uncoated, regardless of the number of axles, for carriage of containers, or other payloads (including self-supporting payloads) for road, marine roll-on/roll-off (RORO) and/or rail transport. Chassis are typically, but are not limited to, rectangular framed trailers with a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, a coupling for towing behind a truck tractor, and a locking system or systems to secure the shipping container or containers to the chassis using twistlocks, slide pins or similar attachment devices to engage the corner fittings on the container or other payload.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Chassis frames, or sections of chassis frames, including kingpin assemblies, bolsters consisting of transverse beams with locking or support mechanisms, goosenecks, drop assemblies, extension mechanisms and/or rear impact guards;
- Running gear assemblies or axle assemblies for connection to the chassis frame, whether fixed in nature or capable of sliding fore and aft or lifting up and lowering down, which may or may not include suspension(s) (mechanical or pneumatic), wheel end components, slack adjusters, axles, brake chambers, locking pins, and tires and wheels;
- Landing gear assemblies, for connection to the chassis frame, capable of supporting the chassis when it is not engaged to a tractor; and
- Assemblies that connect to the chassis frame or a section of the chassis frame, such as, but not limited to, pintle hooks or B-trains (which include a fifth wheel), which are capable of connecting a chassis to a converter dolly or another chassis.

Importation of any of these subassemblies, whether assembled or unassembled, constitutes an unfinished chassis for purposes of this order.

Subject merchandise also includes chassis, whether finished or unfinished, entered with or for further assembly with components such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, spoke or disc wheels, tires, brake control systems, electrical harnesses and lighting systems.

Processing of finished and unfinished chassis and components such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished chassis does not remove the product from the scope.

Individual components entered and sold by themselves are not subject to the order, but components entered with or for further assembly with a finished or unfinished chassis are subject merchandise. A finished chassis is ultimately comprised of several different types of subassemblies. Within each subassembly there are numerous components that comprise a given subassembly.

This scope excludes dry van trailers, refrigerated van trailers and flatbed trailers. Dry van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently incorporated in the trailer itself. Refrigerated van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently incorporated in the trailer and being insulated, possessing specific thermal properties intended for use with self-contained refrigeration systems. Flatbed (or platform) trailers consist of load-carrying main frames and a solid, flat or stepped loading deck or floor permanently incorporated with and supported by frame rails and cross members.

The finished and unfinished chassis subject to this order are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0090 and 8716.90.5060. Imports of finished and unfinished chassis may also enter under HTSUS subheading 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under order is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* Commerce will instruct U.S. Customs and Border Protection to continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be November 2, 2026.[5] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: November 10, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–23177 Filed 11–12–26; 8:45 am]

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of the Expedited First Sunset Review of the Countervailing Duty Order, 91 FR 47814 (July 29, 2026).

[4] *See Chassis and Subassemblies from China; Determinations,* 91 FR 68983 (November 2, 2026) (*ITC Final Determination*).

[5] *See ITC Final Determination.*

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Panel Decision

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Panel Decision.

SUMMARY: On November 6, 2026 the Binational Panel issued its Decision on the Second Redetermination on Remand in the matter of Certain Softwood Lumber Products from Canada: Final Affirmative Less Than Fair Value Determination (Secretariat File Number: USA–CDA–2017–1904–03). The Binational Panel affirmed the Department of Commerce's Second Redetermination on Remand.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA. The notice of this Binational Panel's Decision is being published pursuant to Rule 70. For the complete Rules, please see *https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng.*

Dated: November 9, 2026.

Vidya Desai,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2026–23082 Filed 11–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–991]

Chlorinated Isocyanurates From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to Heze Huayi Chemical Co. Ltd. (Heze Huayi), a producer and exporter of chlorinated isocyanurates from the People's Republic of China (China). The period of review (POR) is January 1, 2023, through December 31, 2023.

DATES: Applicable November 13, 2026.

FOR FURTHER INFORMATION CONTACT: Olivia Woolverton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7452.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2026, Commerce published the *Preliminary Results* of the 2023 administrative review of the countervailing duty order on chlorinated isocyanurates from China.[1] This review covers one company, Heze Huayi. On July 29, 2026, and October 29, 2026, Commerce extended the deadline for issuing the final results.[2] The deadline for the final results of review is November 9, 2026.

From August 3 to 7, 2026, we conducted verification of the questionnaire responses of Heze Huayi.[3] We invited interested parties to comment on the *Preliminary Results.*[4] On September 28, 2026, we received a timely case brief from Bio-Lab, Inc., Innovative Water Care, LLC, and Occidental Chemical Corporation (collectively, the petitioners).[5] On October 6, 2026, we received a timely rebuttal brief from Heze Huayi.[6]

For a detailed description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[7] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order[8]

The product covered by the *Order* is chlorinated isocyanurates from China. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found to be countervailable, Commerce finds that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

Commerce addressed all issues raised in interested parties' case and rebuttal briefs in the Issues and Decision Memorandum. A list of the issues that parties raised, to which we responded in the Issues and Decision Memorandum, is attached as an

[1] *See Chlorinated Isocyanurates from the People's Republic of China: Preliminary Results and Rescission, in Part, of Countervailing Duty Administrative Review; 2023,* 91 FR 27027 (May 13, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review, 2023,'' dated July 29, 2026; and Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2023,'' dated October 29, 2026.

[3] *See* Memorandum, ''Verification of Heze Huayi Chemical Co., Ltd. Questionnaire Responses,'' dated September 18, 2026.

[4] *See* Memorandum, ''Briefing Schedule,'' dated September 21, 2026.

[5] *See* Petitioners' Letter, ''Case Brief of Bio-Lab, Inc, Innovative Water Care, and Occidental Chemical Corporation,'' dated September 28, 2026 (Petitioners Case Brief).

[6] *See* Heze Huayi's Letter, ''Rebuttal Brief,'' dated October 6, 2026 (Heze Huayi Rebuttal Brief).

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Countervailing Duty Order on Chlorinated Isocyanurates from the People's Republic of China; 2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See Chlorinated Isocyanurates from the People's Republic of China: Countervailing Duty Order,* 79 FR 67424 (November 13, 2014) (*Order*).

[9] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

appendix to this notice. Based on our analysis of the comments received from interested parties, we made no changes to the *Preliminary Results.*

Final Results of Administrative Review

Commerce determined that the following net countervailable subsidy rate exists for the period January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent *ad valorem*)
Heze Huayi Chemical Co., Ltd	18.71

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the final results of a review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, as we have made no changes to the *Preliminary Results,* there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise covered by this review for Heze Huayi at the applicable *ad valorem* assessment rate listed above. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of review. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.107(e), Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as follows: (1) the cash deposit rate for Heze Huayi will be equal to the company-specific estimated individual countervailable subsidy rate determined in the final results of this review; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be continue to be 10.81 percent, the all-others subsidy rate established in the investigation.[10] These cash deposit requirements, effective upon publication of the final results of this review, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: November 6, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Subsidies Valuation Information
V. Benchmarks
VI. Analysis of Programs
VII. Discussion of the Issue
Comment: The Provision of Land-Use Rights for LTAR
VIII. Recommendation

[FR Doc. 2026–23079 Filed 11–12–26; 8:45 am]

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[10] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–133]

Certain Metal Lockers and Parts Thereof From the People's Republic of China: Preliminary Results and Intent To Rescind, in Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Xingyi Metalworking Technology (Zhejiang) Co., Ltd. (XMT) made sales of certain metal lockers and parts thereof (metal lockers) from the People's Republic of China (China) at less than normal value (NV) during the period of review (POR) August 1, 2024, through July 31, 2025. Additionally, Commerce is rescinding the review, in part, with respect to ten companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable November 13, 2026.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4521.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on metal lockers from China [1] covering the following 11 exporters of subject merchandise: (1) Hangzhou Evernew Machinery & Equipment Company Limited; (2) Kunshan Dongchu Precision Machinery Co., Ltd.; (3) Ningbo Safewell Group Smart Security Products Co., Ltd.; (4) Ningbo Safewell Safes; (5) Safewell Group Holdings, Ltd.; (6) Tianjin Jia Mei Metal Furniture Ltd.; (7) XMT; (8) Xpedition LLC (doing business as Safewell Gr.); (9) Zhejiang Focus-On Import & Export Co., Ltd.; (10) Zhejiang Safewell Security Technology Co., Ltd.; and (11) Zhejiang Xingyi

[1] *See Certain Metal Lockers and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders,* 86 FR 46826 (August 20, 2021) (*Order*).

Metal Products Co., Ltd.[2] On January 7, 2026, Commerce selected XMT as the sole mandatory respondent subject to individual examination in this administrative review.[3] On February 27, 2026, List Industries, Inc. and Tennsco LLC (collectively, the petitioners) withdrew their request for review of all firms for which they had requested a review.[4] XMT's request for review of itself was not withdrawn,[5] and thus XMT remains subject to the administrative review.

Due to the lapse in appropriations and Federal Government shutdown, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[7]

On June 16, 2026, we extended the deadline for these preliminary results, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2), by 112 days until October 30, 2026.[8] On October 29, 2026, we extended the deadline for these preliminary results by an additional seven days until November 6, 2026.[9]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[10] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise covered by the scope of the *Order* is metal lockers from China. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

In accordance with 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested the review withdraw their requests within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, the petitioners timely withdrew their request for review of all firms for which they had requested a review.[11] Because the withdrawal request was timely filed, and no other party requested a review of these companies, except for XMT, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this administrative review with respect to all companies except for XMT.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of Act. Because China is a non-market economy country within the meaning of section 771(18) of the Act, we calculated normal value in accordance with section 773(c) of the Act. For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum.

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[12] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate (*i.e.,* 311.71 percent) [13] is not subject to change.

Preliminary Results of Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists for the period August 1, 2024, through July 31, 2025:

Exporter	Weighted-average dumping margin (percent)
Xingyi Metalworking Technology (Zhejiang) Co., Ltd	64.36

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[14] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[17] Further, we request that interested parties limit their public, executive summary of each issue to no more than 450 words, not including citations. We intend to use the public, executive summaries as the basis of the

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 46173 (September 25, 2025).

[3] *See* Memorandum, ''Respondent Identification,'' dated January 7, 2026.

[4] *See* Petitioners' Letter, ''Domestic Industry's Withdrawal of Request for Fourth Administrative Review of the Antidumping Duty Order,'' dated February 27, 2026 (Petitioners' Withdrawal Letter).

[5] *See* XMT's Letter, ''Request for Administrative Review,'' dated September 2, 2025.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review: 2024–2025,'' dated June 16, 2026.

[9] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review: 2024–2025,'' dated October 29, 2026.

[10] *See* Memorandum, ''Decision Memorandum and Partial Rescission for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Metal Lockers and Parts Thereof from the People's Republic of China, 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[11] *See* Petitioners' Withdrawal Letter.

[12] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[13] *See Order,* 86 FR at 46826.

[14] *See* 19 CFR 351.309.

[15] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public, executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[19]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If XMT's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[20] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values.

For the companies listed above for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the China-wide entity of 311.71 percent; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: November 6, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Adjustment Under Section 777A(f) of the Act
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2026–23150 Filed 11–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review made sales of stainless steel bar from India at prices below normal value during the period of review (POR) February 1, 2024, through January 31, 2025.

DATES: Applicable November 13, 2026.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance,

[18] *See APO and Service Procedures.*

[19] *See* 19 CFR 351.310(d).

[20] *See* 19 CFR 351.212(b)(1).

International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, Commerce published the antidumping duty (AD) order on stainless steel bar from India.[1] On May 13, 2026, Commerce published in the **Federal Register** the *Preliminary Results,* which included a partial rescission of this administrative review [2] and invited comments from interested parties.[3] This review covers Atlas Stainless Corporation Private Limited, Astrabright LLP, Bahubali Steel Industries, Eurostahl Tech LLP, Venus Metal Corporation, Venus Wire Industries Pvt. Ltd., Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd., (collectively, the Venus Group) and Laxcon Steels Limited and its affiliates, Ocean Steels Private Limited, Metlax International Private Limited, Parvati Private Limited, and Mega Steels Private Limited (collectively, Laxcon), and five companies not selected for individual examination. In accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for the final results of this administrative review to November 9, 2026.[4]

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed at *https://access.trade.gov/frnotices.*

Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Act.

Scope of the Order

The products covered by the *Order* are stainless steel bar. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed in Appendix I to this notice and addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided as an appendix to this notice.

Changes Since the Preliminary Results

For the final results, we made changes to the *Preliminary Results* specific to Laxcon's data to reflect corrections presented at the sales and cost verification.[7]

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available. Where the rates for individually investigated companies are all zero or *de minimis,* or determined entirely using facts otherwise available, section 735(c)(5)(B) of the Act instructs Commerce to rely on ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for exporters and producers individually investigated.''

In this review, for these final results, Commerce determined to apply adverse facts available (AFA) to the Venus Group, pursuant to section 776 of the Act, and assigned it a 30.92 percent dumping margin, and calculated an estimated weighted-average dumping margin for Laxcon Steels Limited of zero percent. Thus, for the final results, we applied to the non-examined companies, Aamor Inox Limited, Bhansali Bright Bars Pvt. Ltd., Chandan Steel Limited, Mangalam Alloys Limited, and Welspun Specialty Solutions, Ltd., the rate of 15.46 percent, which is the simple average of the rate we calculated for the Laxcon Steels Limited and the dumping margin we have assigned to Atlas, determined entirely under section 776 of the Act.[8]

Final Results of Administrative Review

For these final results of review, Commerce determines that the following weighted-average dumping margins exist for the period February 1, 2024, through January 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Atlas Stainless Corporation Private Limited, Astrabright LLP, Bahubali Steel Industries, Eurostahl Tech LLP, Venus Metal Corporation, Venus Wire Industries Pvt. Ltd., Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd.[9]	30.92
Laxcon Steels Limited and its affiliates, Ocean Steels Private Limited, Metlax International Private Limited, Parvati Private Limited, and Mega Steels Private Limited[10]	0.00
Review-Specific Rate for Non-Examined Companies[11]	
Aamor Inox Limited	15.46
Bhansali Bright Bars Pvt. Ltd	15.46
Chandan Steel Limited	15.46
Mangalam Alloys Limited	15.46

[1] *See Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan,* 60 FR 9661 (February 21, 1995) (*Orders*).

[2] *See Stainless Steel Bar from India: Preliminary Results and Rescission of Antidumping Duty Administrative Review, In Part; 2024–2025,* 91 FR 27009 (May 13, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Memorandum, ''Case and Rebuttal Briefs Deadlines,'' dated September 23, 2026.

[4] *See* Memorandums, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2024–2025,'' dated September 1, 2026, and ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2024–2025,'' dated October 29, 2026.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Bar from India; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See* Issues and Decision Memorandum.

[7] *See* Memorandum, ''Laxcon Steels Limited Final Analysis Memorandum,'' dated concurrently with this memorandum.

[8] *See Baroque Timber Indus. (Zhonghan) Co.* v. *United States,* 971 F.Supp.2d 1333, 1341 (CIT 2014) (''it is not per se unreasonable for Commerce to use a simple average of zero and AFA rates to calculate the separate rate'');' *see also Solianus, Inc.* v. *United States,* 391 F.Supp.3d 1331, 1339 (CIT 2019).

[9] Collectively, these companies are known as the Venus Group.

[10] Collectively, these companies are known as Laxcon.

[11] *See Preliminary Results,* 91 FR at 27010 for discussion on the rate for companies not individually examined.

Producer/exporter	Weighted-average dumping margin (percent)
Welspun Specialty Solutions, Ltd	15.46

Disclosure

We intend to disclose the calculations performed for these final results of review to interested parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this. To determine whether an importer-specific, per-unit assessment rate is *de minimis* (*i.e.,* less than 0.5 percent), in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific *ad valorem* rate based on estimated entered values. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews.*[12]

For entries of subject merchandise during the POR produced by Aamor Inox Limited or the Venus Group for which it did not know their merchandise it sold to an intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate, *i.e.,* 12.45 percent, if there is no rate for the intermediate company(ies) involved in the transaction.

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for companies listed above will be the weighted-average dumping margins established in these final results of this review; (2) for subject merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be equal to the company-specific weighted-average dumping margin published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, then the cash deposit rate will be equal to the company-specific weighted-average dumping margin established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.45 percent, the all-others rate established in the investigation.[13]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to the APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: November 6, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes from the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether to Collapse Atlas with Astrabright, Hindustan, and Sieves
Comment 2: Whether to Apply Total Adverse Facts Available (AFA) to the Venus Group
Comment 3: Whether to Calculate the Non-Selected Rate Based on the Rate for the Mandatory Respondents
Comment 4: Whether to Revise the Review-Specific Rate Assigned to Bhansali Bright Bars Private Limited (Bhansali)
VI. Recommendation

[FR Doc. 2026–23083 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–DS–P

[12] *Id.* 77 FR at 8103; *see also* 19 CFR 351.106(c)(2).

[13] *See Order* at 66921.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–820]

Silicon Metal From Malaysia: Preliminary Results of 2024–2025 Antidumping Duty Administrative Review and Preliminary Determination Not To Revoke Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that PMB Silicon Sdn. Bhd. (PMB Silicon) did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. Additionally, Commerce preliminary determines not to revoke the antidumping duty (AD) order on silicon metal from Malaysia. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable November 13, 2026.

FOR FURTHER INFORMATION CONTACT: Miranda Bourdeau, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2021.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the AD order on silicon metal from Malaysia.[1] This review covers one producer/exporter of subject merchandise (*i.e.,* PMB Silicon).[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] On June 17 and October 29, 2026, we extended the deadline to issue these preliminary results of this review to no later than November 6, 2026.[5]

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[6] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The product covered by the scope of this *Order* is silicon metal from Malaysia. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the period August 1, 2024, through July 31, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
PMB Silicon Sdn. Bhd	0.00

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Intent Not To Revoke the Order

We preliminarily determine not to revoke the *Order* under section 751(d) of the Act and 19 CFR 351.222 because we preliminarily find that PMB Silicon has not satisfied the requirements of 19 CFR 351.222(e)(1).[7]

Verification

On March 11, 2026, the petitioners[8] requested that Commerce conduct onsite verification of the questionnaire responses submitted in this review by PMB Silicon, in accordance with 19 CFR 351.307(b)(1)(v).[9] As provided in 19 CFR 351.307(b)(1)(v) and section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in the final results.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[10] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[11] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 46173 (September 25, 2025) (*Initiation Notice*); *see also Silicon Metal from Malaysia: Antidumping Duty Order,* 86 FR 46677 (August 19, 2021) (*Order*).

[2] *See Initiation Notice,* 90 FR at 46176.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memoranda, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 17, 2026, and October 29, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Silicon Metal from Malaysia; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *Id.* at 3.

[8] The petitioners are Ferroglobe USA, Inc. and Mississippi Silicon.

[9] *See* Petitioners' Letter, ''Request for Verification,'' dated March 11, 2026.

[10] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

in their briefs.[12] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[14]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If PMB Silicon's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[15] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If PMB Silicon's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[16]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by PMB Silicon for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[17]

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for PMB Silicon will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review or in the original LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 12.27 percent, the all-others rate established in the LTFV investigation.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to the liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: November 6, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–23081 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by DCOR, LLC

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Appeal.

SUMMARY: This announcement provides notice that the Department of Commerce has received a ''Notice of Appeal'' filed by Appellant DCOR, L.L.C (DCOR). DCOR is requesting that the Secretary of Commerce (Secretary) override an objection by the California Coastal Commission to a consistency

[12] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[13] *See APO and Service Procedures.*

[14] *See* 19 CFR 351.310(d).

[15] *See* 19 CFR 351.212(b)(1).

[16] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[17] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[18] *See Order,* 86 FR at 46678.

certification for a proposed supplement to DCOR's Development and Production Plan for Platform Gilda, which would authorize hydraulic fracturing well stimulation techniques.

ADDRESSES: NOAA intends to post publicly available materials and related documents comprising the appeal record electronically, at *www.regulations.gov,* under docket number NOAA–NOS–2026–3235.

FOR FURTHER INFORMATION CONTACT: For questions about this Notice, contact John Hare-Grogg, Attorney-Advisor, NOAA Office of the General Counsel, at *administrative.appeals@noaa.gov* or (202) 809–7715.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

On October 14, 2026, the Secretary received a ''Notice of Appeal'' filed by DCOR pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. DCOR is appealing an objection by the California Coastal Commission to DCOR's CZMA Federal consistency certification for a proposed supplement to DCOR's Development and Production Plan for Platform Gilda, an offshore platform on the outer continental shelf in Federal waters of the Santa Barbara Channel, which would authorize hydraulic fracturing well stimulation techniques at 16 wells over the course of five years. This matter constitutes an appeal of an ''energy project'' within the meaning of the CZMA regulations. 15 CFR 930.123(c).

Under the CZMA, the Secretary may override the California Coastal Commission's objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is ''consistent with the objectives or purposes of the CZMA,'' the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is ''necessary in the interest of national security,'' the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

II. Public Availability of Appeal Documents

NOAA intends to provide access to publicly available materials and related documents comprising the appeal record electronically, at *https://www.regulations.gov,* under docket number NOAA–NOS–2026–3235.

(Authority Citation: 15 CFR 930.128(a))

Adam Dilts

Chief, Oceans and Coasts Section, Office of General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–23135 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Mandatory Shrimp Vessel and Gear Characterization Survey

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 12, 2027.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0542 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to specific questions related to collection activities should be directed to Rebecca Smith, National Marine Fisheries Service (NMFS), Southeast Fisheries Science Center, Galveston Laboratory, 4700 Avenue U, Galveston, TX 77551 (409) 210–1817, *rebecca.smith@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the extension of a currently approved information collection. The mandatory vessel and gear characterization survey is a census data collection effort of all shrimp vessel owners or operators who possess a valid Federal Gulf commercial shrimp fishing permit. NMFS began collecting these survey data in 2006 under OMB Control No. 0648–0542 per the final rule implementing Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of America (Amendment 13) (71 FR 56039, September 26, 2006).

NMFS is currently collecting census-level information on fishing vessel and gear characteristics in the Gulf of America (Gulf) commercial shrimp fishery (Gulf shrimp fishery), which operates in the Gulf exclusive economic zone. NMFS uses this information to conduct analyses that improve fishery management decision-making and ensure that national goals, objectives, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*), National Environmental Policy Act, Regulatory Flexibility Act, Endangered Species Act, and Executive Order 12866 are met; and quantify achievement of the performance measures in the NMFS' Operating Plans. This information is vital in assessing the economic, social, and environmental effects of fishery management decisions and regulations on individual shrimp fishing enterprises, fishing communities, and the Nation as a whole. Recordkeeping requirements for this information collection under the Magnuson-Stevens Act are codified at 50 CFR 622.51(a)(3).

The vessel and gear survey annually updates existing data and continues data collection efforts for this significant fishery. NMFS currently collects other information from Gulf commercial shrimp vessels pertaining to their fishing activities, trip dates, landings,

and other information through port agents, electronic logbooks, and mandatory dealer reports. Prior to this annual survey, little data related to vessel and gear characteristics at the individual vessel level have been collected through other means.

Completion of the annual survey is required for fishermen to renew or transfer a Gulf commercial shrimp permit. NMFS' Southeast Fisheries Science Center (SEFSC) mails the annual survey to all Gulf shrimp permit holders each year. Requiring completion of the survey shortly before permit renewal, with renewal contingent upon survey completion,[1] ensures that all permitted fishermen will be included in the census and each fisherman will only be surveyed once per annum.

The questions contained on the vessel and gear survey form are needed to collect data as required by regulations implementing Amendment 13. All but Question 1 on the form are focused on activity in the past year. Questions 1–4 ask for year of vessel purchase, by whom the vessel was operated in the past year, number of days at sea and trips taken in the past year and in what areas and fisheries the vessel was operated. Questions 5–11 pertain to the most frequent type of gear used. Questions 12–13 pertain to the most frequently used bycatch reduction devices (BRD). Questions 14–26 pertain to the most frequently used turtle exclusion devices (TED). Question 27 asks for a list of all electronic equipment used on the vessel.

The primary purposes of collecting vessel and gear characterization data at the census level is to develop statistically valid sampling designs for the other aforementioned data collection programs. It is believed that the creation of stratified, random sampling designs for these data collection programs is necessary to ensure that the data, and the estimates of the fishery performance measures based on that data, are accurate (*e.g.,* representative of the fishery's actual performance). The various vessel and gear characteristics serve as strata in these sampling designs.

The information collected by the vessel and gear characterization survey is used by NMFS economists, social scientists, and biologists to help evaluate the performance of existing regulations (*e.g.,* BRDs, TEDs, time or area closures, etc.), and the impact changes to those regulations may have on individual fishermen, the shrimp fishing industry as a whole, and fishing communities. In addition, the vessel and gear characterization data are further linked to various biological, social, and economic data collected by other means.

It is anticipated that the information collected will be available to the public through technical memoranda and similar publications, or used to support publicly disseminated information, such as analyses contained within documents distributed by the Gulf Fishery Management Council (Council). Data may be reported according to the various types of nets, TEDs, BRDs or electronic equipment that is generally used, which will allow comparisons and evaluations of alternative vessel and gear configurations by analysts and vessel owners.

II. Method of Collection

NMFS mails a paper copy of the forms to respondents and provides a pre-paid business reply envelope for permit applications to submit the form.

III. Data

OMB Control Number: 0648–0542.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 1,171.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 586 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping or reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* and Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of America (71 FR 56039, September 26, 2006).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–23191 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Electronic Logbook for the Commercial Shrimp Fishery in the Gulf of America

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 12, 2027.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0543 in the subject line of your comments. All comments received are

part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Rebecca Smith, National Marine Fisheries Service, Southeast Fisheries Science Center, Fisheries Statistics Division, 4700 Avenue U, Galveston, TX 77551, 409–210–1817, or *rebecca.smith@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. NMFS manages the commercial shrimp fishery in Federal waters of the Gulf of America (Gulf) under the Fishery Management Plan for the Shrimp Fishery of the Gulf. The electronic logbook (ELB) regulations for the Gulf shrimp fishery may be found at 50 CFR 622.51(a)(2).

As of October 1, 2026, there are approximately 1,171 valid or renewable Federal permits to commercially harvest shrimp from the exclusive economic zone (EEZ) in the Gulf. Monitoring shrimp vessels, operating together with many other fishing vessels of differing sizes, gears types used, and fishing capabilities, is made even more challenging by seasonal variability in shrimp abundance and price, and the broad geographic distribution of the fleet. ELBs provide a precise means of estimating the amount of shrimp fishing effort. Using ELBs to estimate fishing effort serves an important role to help estimate bycatch in the Gulf shrimp fleet.

II. Method of Collection

The ELB unit automatically collects fishing effort data and requires manual removal and swapping of the memory cards to be mailed to the NMFS Galveston Laboratory twice per year. The current ELB unit once transmitted these data via a cellular phone connection activated when the vessel is within non-roaming cellular range. However, since the 3G cellular technology discontinued in 2020, the manual collection of memory cards is the new collection method. NMFS, the shrimp industry and Council are developing a 3-part plan to phase out, test and implement a modernized replacement device that will automatically collect fishing effort data and transmit those data via a cellular phone connection activated when the vessel is within non-roaming cellular range.

III. Data

OMB Control Number: 0648–0543.

Form Number(s): None.

Type of Review: Regular submission—extension of a current information collection.

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 1,171.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 3,513 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping or reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act, Fishing Regulation 50 CFR 622.51(a)(2).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–23192 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG184]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Meeting of the South Atlantic Fishery Management Council.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the Southeast Data, Assessment and Review (SEDAR) Catch Advice and Data Committee, the Dolphin Wahoo Committee, the Golden Crab Committee, the Snapper Grouper Committee, and the Citizen Science Committee. The meeting week will also include a formal public comment session and closed and open meetings of the Full Council.

DATES: The Council meeting will be held from 8:30 a.m. on Monday, December 7, 2026, until 12 p.m. on Friday, December 11, 2026.

ADDRESSES: *Meeting address:* The meeting will be held at the Beaufort Hotel, 2440 Lennoxville Road; Beaufort, NC 28516; phone (252) 728–3000. The meeting will also be available via webinar. See **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Myra Brouwer, Deputy Director for Management, SAFMC; phone (843) 302–8436 or toll free (866) SAFMC–10; FAX (843) 769–4520; email: *myra.brouwer@safmc.net.*

SUPPLEMENTARY INFORMATION: Meeting information, including agendas, overviews, and briefing book materials will be posted on the Council's website at: *https://safmc.net/council-meetings/.* Webinar registration links for the meeting will also be available from the Council's website.

Public comment: Public comment on agenda items may be submitted through the Council's online comment form available from the Council's website.

Written comments will be accepted from November 20, 2026, until December 11, 2026. These comments are accessible to the public, part of the Administrative Record of the meeting, and immediately available for Council consideration. A formal public comment session will also be held during the Council meeting.

The items of discussion in the individual meeting agendas are as follows:

Council Session I, Monday, December 7, 2026, 8:30 a.m. Until 10:30 a.m. (CLOSED SESSION)

The Council will meet in closed session to receive a litigation brief, if needed, and make appointments to advisory panels (AP) and SEDAR assessments and topical working groups. The Council will update the Golden Crab AP based on current permit holders and make appointments to the System Management Plan Workgroup. The Council will also discuss topics addressed during the Executive Committee's October 2026 closed session.

Council Session I, Monday, December 7, 2026, 10:45 a.m. Until 5 p.m.

The Council will receive reports on the following: litigation, law enforcement, Council liaisons, staff, the Council Coordination Committee, the East Coast Coordination Group, the Shrimp Workgroup, and the Scientific and Statistic Committee (SSC). The NMFS Southeast Regional Office (SERO) and Southeast Fisheries Science Center (SEFSC) will provide updates to the Council, including how the agency intends to prioritize mandates under Executive Order ''Restoring American Saltwater Angling and Recreation''. The Council will receive an update on the International Commission for the Conservation of Atlantic Tunas (ICCAT) AP and annual meeting. The Council will discuss various topics under its Resilient Fisheries Initiative, a developing comprehensive amendment to the Snapper Grouper and Dolphin Wahoo Fishery Management Plans and approve topics for the 2027 meeting of its Law Enforcement AP.

SEDAR Catch Advice and Data Committee, Tuesday, December 8, 2026, 8:30 a.m. Until 2:30 p.m.

The Committee will receive a report on updated recreational data from the Marine Recreational Information Program and the Recreational Angler Partnership Improvement Directive (RAPID) and a presentation on the use of discards information in management from the SEFSC. The Committee will also receive and overview and consider approving the Standardized Bycatch Reduction Methodology review and conduct the stock risk rating for red grouper.

Dolphin Wahoo Committee, Tuesday, December 8, 2026, 2:45 p.m. Until 5 p.m.

The Committee will receive a presentation on the Dolphin Management Strategy Evaluation (MSE), the SSC's recommendations, and hold a general discussion on approaches to dolphin management.

Golden Crab Committee, Wednesday, December 9, 2026, 8:30 a.m. Until 9:30 a.m.

The Committee will receive an update on the golden crab fishery and discuss the recent public request to remove the Southern Zone small-vessel sub-zone. If needed, the Committee will consider convening the Golden Crab AP in 2027 and approve topics for the AP's agenda.

Snapper Grouper Committee, Wednesday, December 9, 2026, 9:45 a.m. to 3:45 p.m., Thursday, December 10, 8:30 a.m. Until 2:30 p.m.

The Committee will receive updates from SERO on amendments undergoing rulemaking, Exempted Fishing Permit applications (if any), and the 2026 Federal Red Snapper recreational season. The Committee will receive feedback from the Snapper Grouper AP on various topics throughout the meeting. The Committee will discuss Amendment 60 to the Snapper Grouper Fishery Management Plan addressing commercial management measures and consider the amendment for final approval. After reviewing public comment, the Committee will also consider final approval of Amendment 44 to the Snapper Grouper Fishery Management Plan addressing jurisdictional and sector allocations of yellowtail snapper and mutton snapper, and Regulatory Amendment 39 to the Snapper Grouper Fishery Management Plan addressing sunsetting of Spawning Special Management Zones.

Wednesday, December 9, 2026, 4 p.m.—Public comment will be accepted from individuals attending the meeting in person and via webinar on all items on the Council's meeting agenda. The Council Chair will determine the amount of time provided to each commenter based on the number of individuals wishing to comment.

The Committee will continue discussing Regulatory Amendment 38 to the Snapper Grouper Fishery Management Plan, which addresses vessel limits for headboats and catch levels for golden tilefish and consider approving the amendment for public hearings. The Committee will receive an overview of Regulatory Amendment 40 to the Snapper Grouper Fishery Management Plan, which considers re-opening seasonal closed areas to on-demand black sea bass pots, and consider approving the amendment for public hearings. The Committee will receive an update on the black grouper MSE and review AP comments and draft conclusions and recommendations for the Wreckfish Individual Transferable Quota Program Review, which the Committee will consider for final approval. The Committee will review recommendations from stakeholders on the Wreckfish Adaptive Implementable Management project and receive a presentation on the Florida hogfish stock assessment and the SSC's feedback.

Citizen Science Committee, Thursday, December 10, 2:45 p.m. Until 5 p.m.

The Committee will review the Citizen Science Program's growth and scope of projects, a cross regional collaborative science proposal, and the Citizen Science Program's indicators for 2026. Lastly, the Committee will receive an update on the Program.

Council Session II, Friday, December 11, 8:30 a.m. Until 12 p.m.

The Council will reconvene in closed session to conduct the Executive Director's annual review. The Council will then meet in open session to review its workplan, reports from the committees that met during the week and the October 2026 report from the Executive Committee. The Council will conclude its meeting by reviewing upcoming meetings, and discussing any other business as needed.

Documents informing agenda topics are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be

directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: November 10, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–23142 Filed 11–12–26; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No. CFPB–2026–0027]

Agency Information Collection Activities: Comment Request

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) is requesting to extend the Office of Management and Budget's (OMB's) approval for an existing information collection titled ''Generic Information Collection Plan for Foundational Research About Consumer Credit Markets and Household Financial Decision-Making'' approved under OMB Control Number 3170–0082.

DATES: Written comments are encouraged and must be received on or before January 12, 2027 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: CFPB_PRA@cfpb.gov.* Include Docket No. CFPB–2026–0027 in the subject line of the email.
- *Mail/Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 445 12th Street SW, Washington, DC 20024. Because paper mail in the Washington, DC area and at the CFPB is subject to delay, commenters are encouraged to submit comments electronically.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Anthony May, PRA Officer, at (202) 435–7278, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Information Collection Plan for Foundational Research About Consumer Credit Markets and Household Financial Decision-Making.

OMB Control Number: 3170–0082.

Type of Review: Extension of a currently approved information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 8,000.

Estimated Total Annual Burden Hours: 32,000.

Abstract: Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, the CFPB is tasked with researching, analyzing, and reporting on topics relating to the CFPB's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. Under this generic information collection plan, the CFPB collects data through qualitative and quantitative methods, including focus groups, interviews, and controlled trials in field and laboratory settings. The primary purpose of research carried out under this generic clearance is for foundational research of an exploratory nature. This foundational research will be used for developmental and informative purposes to increase the CFPB's understanding of consumer credit markets and household financial decision-making. In addition, research may be related to the CFPB's mission regarding financial education, including evaluating the effectiveness of financial education programs and understanding financial planning behaviors, including savings, spending, and investing behavior. The CFPB envisions that the research covered under this clearance will be basic foundational research about consumer credit markets and household finance.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's approval. All comments will become a matter of public record.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2026–23152 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No. CFPB–2026–0028]

Agency Information Collection Activities: Comment Request

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) requests the Office of Management and Budget's (OMB's) extension of the existing information collection titled ''Payday, Vehicle Title, and Certain High-Cost Installment Loans'' approved under OMB Control Number 3170–0071.

DATES: Written comments are encouraged and must be received on or before January 12, 2027 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2026–0028 in the subject line of the email.
- *Mail/Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 445 12th Street SW, Washington, DC 20024. Because paper mail in the Washington, DC area and at the Bureau is subject to delay,

commenters are encouraged to submit comments electronically.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Anthony May, PRA Officer, at (202) 435–7278, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Payday, Vehicle Title, and Certain High-Cost Installment Loans.

OMB Control Number: 3170–0071.

Type of Review: Extension of a currently approved information collection.

Affected Public: Private sector.

Estimated Number of Respondents: 9,887.

Estimated Total Annual Burden Hours: 3,189,587.

Abstract: This regulation applies to non-depository institutions and loan brokers engaged in consumer lending, credit intermediation activities, or activities related to credit intermediation, along with banks and credit unions that make loans that are subject to the rule. The purpose of this rule is to identify certain unfair and abusive acts or practices in connection with certain consumer credit transactions, to set forth requirements for preventing such acts or practices, and to provide certain partial conditional exemptions from aspects of this rule. This rule also contains requirements to ensure that the features of those consumer credit transactions are fully, accurately, and effectively disclosed to consumers.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's approval. All comments will become a matter of public record.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2026–23151 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[COE–2026–0034]

Final Deauthorization List of Water Resources Projects

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of final deauthorization list.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is publishing the final deauthorization list of water resources development projects and separable elements of projects identified for deauthorization in accordance with Section 301 of the Water Resources Development Act (WRDA) of 2020, as amended by Section 1301 of WRDA 2024 (33 U.S.C. 579d–2). The final list was prepared after consideration of the public comments received on the proposed deauthorization list published in the **Federal Register** on May 21, 2026 (91 FR 29946). The final list has been submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

DATES: The final deauthorization list and appendix were submitted to Congress on November 13, 2026.

ADDRESSES: The final deauthorization list and appendix are also available at *https://www.usace.army.mil/Missions/Civil-Works/Water-Resources-Development-Act/*. Public comments received on the proposed list may be viewed at *https://www.regulations.gov* under Docket ID No. COE–2026–0034.

FOR FURTHER INFORMATION CONTACT: All requests for further information on this notice may be directed to Ms. Sharon Sartor, Corps Headquarters, at 202–761–4495 or *WRDA2024@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Section 301 of WRDA 2020, as amended by Section 1301 of WRDA 2024 (33 U.S.C. 579d–2) directs the Secretary to develop a proposed list of inactive water resources development projects for deauthorization, provide an opportunity for public input on the proposed list, and submit a final list to Congress. The intent is to identify water resources development projects and separable elements of projects that are no longer viable for construction due to: (1) a lack of local support, (2) a lack of available Federal or non-Federal resources, or (3) an authorizing purpose that is no longer relevant or feasible. The process is intended to identify projects for Congress to deauthorize and to allow the continued authorization of projects that remain viable for construction.

Section 301, as amended, provides that the Secretary shall develop a proposed deauthorization list that identifies water resources development projects and separable elements of projects, authorized for construction before June 10, 2014, that meet one of the three criteria listed above. Projects and separable elements on the list are also those that meet one of two criteria: (1) planning, design, or construction was not initiated before January 4, 2025; or (2) planning, design, or construction was initiated before January 4, 2025, but no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element during the current fiscal year or any of the 10 preceding fiscal years.

The statute directs the Secretary to prepare the final deauthorization list by considering the comments received and revising the proposed list as necessary to respond to them. The Secretary is also directed to include with the final list an appendix that identifies each project or separable element on the proposed list that is not included on the final list and describes the reasons it is not included. The statute further provides that the final list shall not include any project or separable element for which Federal funds for planning, design, or construction were obligated after development of the preliminary list but before submission of the final list to Congress (33 U.S.C. 579d–2(c)(2)).

The proposed deauthorization list and notice for public comment was published to the **Federal Register** on May 21, 2026. The public comment period was 90 days, ending on August 19, 2026. The proposed deauthorization list identified 249 projects and separable elements, with an estimated Federal cost to complete of $3,643,281,554. Comments were received through the Federal eRulemaking Portal and by email.

A total of 41 public comment submissions were received on the proposed deauthorization list. Comments were considered by the Assistant Secretary of the Army for Civil Works and a final deauthorization list was developed to include an appendix identifying each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list and the reason for its removal. Projects and separable elements were not included on the final deauthorization list where local support and availability of non-Federal resources were demonstrated. While the projects and separable elements in the appendix were removed from the final deauthorization list, they will be included in future iterations of the deauthorization list if Federal or non-Federal funding is not received to advance these projects or separable elements by December 31, 2027. The final deauthorization list contains 206 projects and separable elements, with an estimated Federal cost to complete of $2,465,487,356. The final deauthorization list and appendix can be found at: *https://www.usace.army.mil/Missions/Civil-Works/Water-Resources-Development-Act/.*

The final deauthorization list is submitted to Congress. Deauthorization of identified projects and separable elements will require further legislative action by Congress.

Authority: This notice is required by Section 301 of the Water Resources Development Act of 2020, as amended by 1301 of the Water Resources Development Act of 2024 (33 U.S.C. 579d–2).

D. Lee Forsgren,

Principal Deputy Assistant Secretary of the Army for Civil Works Performing the Duties of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 2026–23190 Filed 11–12–26; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–IES–3268]

Request for Information

AGENCY: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Request for Information.

SUMMARY: The National Center for Education Evaluation (NCEE), a center within the U.S. Department of Education's Institute of Education Sciences (IES), is charged (20 U.S.C. 9561(b)(2)) with evaluating how effectively States and local agencies implement the Individuals with Disabilities Education Act (IDEA) and provide early intervention services to infants and toddlers with disabilities and a free appropriate public education to children and youth with disabilities. In carrying out these activities, NCEE, in collaboration with the National Center for Special Education Research (NCSER), has identified six aspects of IDEA implementation for consideration of evaluation: access; appropriate services and educational outcomes; procedural safeguards; statewide systems, accountability, and flexibility; fiscal and resource effectiveness; and national activities. Through this request for information (RFI), NCEE seeks public input to identify key questions for future evaluation studies.

DATES: We must receive your comments by December 11, 2026.

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

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

Privacy Note: The Department's policy for comments received from members of the public is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available. We encourage, but do not require, that each respondent include their name, title, institution or affiliation, and the name, title, mailing and email addresses, and telephone number of a contact person for the institution or affiliation, if any.

This is a request for information only. This RFI is not a request for proposals (RFP) or a promise to issue an RFP. This RFI does not commit the Department to contract for any supply or service whatsoever. Further, we are not seeking proposals for evaluation and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI. The documents and information submitted in response to this RFI will not be returned. We will review every comment, and the comments in response to this RFI will be publicly available on the Federal eRulemaking Portal at *www.regulations.gov.* Please note that IES will not directly respond to comments provided on this RFI.

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

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

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

FOR FURTHER INFORMATION CONTACT: David J. Cantrell, Senior Advisor, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S Department of Education, D Street Room 10.8.0E, 400 Maryland Ave SW, Washington, DC 20024. Telephone: (202) 245–6425. You may also email your questions to *David.Cantrell@ed.gov,* but as described above, comments must be submitted via the Federal eRulemaking Portal at *regulations.gov.* If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Section 664(a)(1) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1464(a)(1)) provides that the Secretary of the Department of Education shall delegate to the Director of the Institute of Education Sciences (IES) responsibility for conducting studies and evaluations for the implementation of IDEA, including the effectiveness of State and local efforts to provide—

(A) A free appropriate public education (FAPE) to children with disabilities; and

(B) Early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to the infants and toddlers.

Section 175(b)(3) of the Education Sciences Reform Act (ESRA) as amended (20 U.S.C. 9567(b)(3)) describes the mission of the National Center for Special Education Research (NCSER), a center within IES. NCSER is directed to evaluate the implementation and effectiveness of the IDEA, in coordination with IES's National Center for Education Evaluation and Regional Assistance (NCEE). Section 171(b)(2) of ESRA (20 U.S.C. 9561(b)(2)) describes the mission of the NCEE. That mission includes conducting evaluations of Federal Education programs administered by the Secretary, such as the IDEA, and support synthesis and wide dissemination of results of evaluation, research and products developed.

To guide that work, NCEE, in collaboration with NCSER, proposes to support the evaluation of State and local efforts to provide early intervention services to infants and toddlers with disabilities and FAPE to children and youth with disabilities, in areas including:

(1) Access;

(2) Appropriate services and educational outcomes;

(3) Procedural safeguards;

(4) Statewide systems, accountability and flexibility;

(5) Fiscal and resource effectiveness; and

(6) National activities authorized under IDEA Part D.

Through this RFI, we seek public comment and input on the highest priority research questions in the areas above. We encourage the public, particularly those who are aware of key research questions in any of the above areas, to address any or all of the following questions in their comments:

(1) Among the six areas, what are the most pressing topics to evaluate now, and why?

(2) Within the topics identified in response to question (1), what are the research questions that NCEE should prioritize over the next 5 years?

(3) How would proposed research questions support IES's statutory responsibilities vis-à-vis the evaluation of IDEA as described in the supplementary information section of this document?

(4) How might current or future National Center for Education Statistics (NCES) activities support the evaluation of one or more of the areas and their associated research questions?

(5) Which topics might be explored using existing data or data that is already routinely collected, and which could only be addressed via a new collection? If new data are needed, are they best collected as part of existing administrative collections, a new cross-sectional or longitudinal study, or another means?

(6) How might data collection and dissemination be optimized for future Super Intelligence or SI (formerly referred to as Artificial Intelligence or AI) applications and uses?

(7) What products or insights could be shared with practitioners and policymakers as a result of research questions explored by NCEE? What methods and channels for dissemination are most likely to be effective?

(8) Are there any topics not covered by the areas above that should be evaluated?

Matthew Soldner,

Acting Director, Institute of Education Sciences.

[FR Doc. 2026–23155 Filed 11–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on November 18, 2026, and November 19, 2026, as a hybrid meeting via webinar and in person, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) which is scheduled at the same time via webinar and in person.

DATES: November 18, 2026, and November 19, 2026.

ADDRESSES: The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The in-person meeting will take place at IEA Headquarters, 9 rue de la Fédération, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Zogby, Acting Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–5000, *matthew.zogby@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on November 18, 2026. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on the Oil Market (SOM) and the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location in person and via webinar at the same time.

The agenda of the meeting is under the control of the SOM and the SEQ. It is expected that the SOM and the SEQ will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of Summary Record of the 18 June 2026 Meeting of the SEQ/SOM
3. Update on the Current Oil Market Situation
4. Outlook for Global Refining and Fuel Markets
5. Update on Russia/Ukraine Energy Situation
6. Oil Market Update: Trade house perspectives
7. Update on the Tanker Market
8. Middle East—Broader Context and Geopolitics
9. Update on the Global Gas Market
10. China's Response to the Energy Crisis
11. World Energy Outlook
12. Longer-term Implications of the Energy Crisis

13. Any other business:

Date of next SOM/SEQ meetings:
—24–25 March 2027
—23–24 June 2027
—17–18 November 2027

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on November 19, 2026. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location in person and via webinar at the same time. The IAB will also hold an online preparatory meeting among company representatives at 2:00 p.m., Paris time, on November 10, 2026. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting. In addition, on November 17, 2026, the IEA will hold an Oil Security Workshop at which IAB company representatives may be present.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of Summary Record of Meeting of 26 June 2026 SEQ meeting
3. Stockholding Levels of IEA Member Countries
4. IEA Collective Action and Reflections on Oil Security Workshop

Open SEQ Session—Open to Association Countries

5. Recent Oil Market and Policy Developments in Member Countries
6. Emergency and Security Review (ESR) of Japan
7. Mid-term Review Update from Denmark
8. Emergency and Security Review (ESR) of Morocco
9. Mid-term Review Update from Estonia
10. Climate Risks to International Oil & Gas Shipping
11. Update on Ongoing Work on Natural Gas Security
12. Industry Advisory Board Update
13. Update on Critical Minerals Reviews
14. IEA Workshop on Oil Security, Emergency Response, and Stockholding in ASEAN
15. Update on Work with Non-IEA Member Countries
16. Any other business:
    Schedule of ESRs for 2026/27
    Schedule of SEQ & SOM Meetings for 27:
    —24–25 March 2027
    —23–24 June 2027
    —17–18 November 2027

The topic of the IEA's Oil Security Workshop on November 17, 2026, is expected to be ''Taking stock of the 2026 oil supply crisis and the IEA Collective Action'' with the following agenda:

- Welcome and Opening Remarks
- Setting the scene: How the 2026 oil supply disruption unfolded
- What have we learnt about oil markets and what are the implications for oil emergency preparedness?
- Reviewing the implementation of the March 2026 IEA Collective Action
- Oil industry perspectives
- Lessons learned from the 2026 oil supply crisis so far (break-out groups)
- Wrap-up

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Signing Authority: This document of the Department of Energy was signed on November 9, 2026, by Daniel Byers, Deputy Assistant Secretary for Europe, Eurasia, Africa and the Middle East, Office of International Affairs, 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 November 10, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–23128 Filed 11–12–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10482–162]

Eagle Creek Hydro Power, LLC; Eagle Creek Land Resources, LLC; Eagle Creek Water Resources, LLC; Notice of Application for Temporary Variance Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity Amendment.

b. *Project No:* 10482–162.

c. *Date Filed:* October 20, 2026.

d. *Applicant:* Eagle Creek Hydro Power, LLC; Eagle Creek Land Resources, LLC; Eagle Creek Water Resources, LLC.

e. *Name of Project:* Swinging Bridge Hydroelectric Project.

f. *Location:* The project is located on the Mongaup River in Sullivan County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Melissa Rondou, Eagle Creek Renewable Energy, LLC, 116 N. State Street, P.O. Box 167, Neshkoro, WI 54960, *Melissa.Rondou@eaglecreekre.com,* (920) 293–4628.

i. *FERC Contact:* Erik Hazelton, (212) 273–5911, *Erik.Hazelton@ferc.gov* or Kari Bradberry, (202) 502–8743, *Kari.Bradberry@ferc.gov*.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* December 9, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters,

without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–10482–162. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to temporarily amend the minimum flow requirements at the Swinging Bridge Development to accommodate maintenance work on generating unit no. 2, which will temporarily disable the project's normal flow-release operations. The project's minimum flow requirement is 100 cubic feet per second (cfs), or inflow, whichever is less, but no less than 60 cfs. With the proposed modification to operations at the development, the minimum flow would be decreased to 50 cfs, or inflow if less, and not to exceed 60 calendar days from approximately December 19, 2026, to January 30, 2027. The licensee may shift the 60 days based on Commission authorization, field conditions and work progress. The licensee states that reassembly of generating unit no. 2 requires closure of a shared headgate with generating unit no. 3. Closure of the headgate will make generating unit no. 3 unavailable to provide the required minimum flows, and during this period the project will rely solely on the reservoir-fed siphon system which is designed to provide between 50–60 cfs.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

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

(Authority: 18 CFR 2.1)

Dated: November 9, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–23169 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER20–1996–012; ER21–1370–012; ER21–1916–010; ER26–3678–001; ER21–1961–010; ER24–2657–007; ER25–2974–003; ER26–3443–002; ER21–1187–011; ER26–3688–001; ER26–242–003; ER21–1217–011; ER24–2986–008; ER16–1990–012; ER21–1188–011; ER24–482–008; ER26–2602–002; ER24–3151–006; ER21–1218–011; ER24–847–008; ER26–3687–001; ER25–1910–005.

Applicants: White Tail Solar, LLC, Switchgrass Plains Solar, LLC, Sunlight Road Solar, L.L.C., St. James Solar, LLC, Speedway Solar, LLC, Show Me State Solar, LLC., River Fork Solar, LLC, Prairie State Solar, LLC, North Star Solar PV LLC, Long Lake Solar, LLC, Iris Solar, LLC, Heartwood Solar, LLC, Great Plains Solar, LLC, Dressor Plains Solar, LLC, Dolet Hills Solar, LLC, Crossroads Solar, LLC, Blue Bird Solar, LLC, Big River Solar, LLC, Badger State Solar, LLC, Assembly Solar III, LLC, Assembly Solar II, LLC, Assembly Solar I, LLC.

Description: Notice of Change in Status of Assembly Solar I, LLC, et al.

Filed Date: 11/2/26.

Accession Number: 20261102–5412.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER26–2929–003.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2415R24 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5128.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER26–2931–003.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2562R17 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5119.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–448–000.

Applicants: Energy Prepay XVI, LLC.

Description: Tariff Amendment: Cancellation entire tariff to be effective 11/10/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5118.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–449–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: RS 234: Amendment to Interim Black Start Agreement 2026 to be effective 12/31/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5133.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–450–000.

Applicants: Interstate Power and Light Company.

Description: § 205(d) Rate Filing: Update to O&T Agreement Exhibits and Appendices (2026) to be effective 1/9/2027.

Filed Date: 11/9/26.

Accession Number: 20261109–5165.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–451–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of GIA and CSA, SA Nos. 7538 and 7539 Queue No. AG1–324 to be effective 10/10/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5170.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–452–000.

Applicants: TerraForm Power Trading and Marketing, LLC.

Description: Initial Rate Filing: Market- Based Rate Application to be effective 1/9/2027.

Filed Date: 11/9/26.

Accession Number: 20261109–5173.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–453–000.

Applicants: Madena 3 BESS LLC.

Description: § 205(d) Rate Filing: Madena 3 BESS LLC MBR Tariff to be effective 11/15/2026.

Filed Date: 11/9/26.

Accession Number: 20261109–5190.

Comment Date: 5 p.m. ET 11/30/26.

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: November 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–23133 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: PR27–11–000.

Applicants: National Fuel Gas Distribution Corporation.

Description: § 284.123 Rate Filing: Amendment of Rates Under an Order No. 63 Blanket Certificate 11–2026 to be effective 11/2/2026.

Filed Date: 11/5/26.

Accession Number: 20261105–5129.

Comment Date: 5 p.m. ET 11/27/26.

Docket Numbers: PR27–12–000.

Applicants: BBT Alabama, LLC.

Description: § 284.123(g) Rate Filing: SOC changes normal filing 2026 to be effective 11/1/2026.

Filed Date: 11/6/26.

Accession Number: 20261106–5137.

Comment Date: 5 p.m. ET 11/27/26.

§ 284.123(g) Protest: 5 p.m. ET 1/5/27.

Docket Numbers: PR27–13–000.

Applicants: BBT Bamagas Intrastate, LLC.

Description: § 284.123(g) Rate Filing: Normal filing 2026 Nov to be effective 11/1/2026.

Filed Date: 11/6/26.

Accession Number: 20261106–5182.

Comment Date: 5 p.m. ET 11/27/26.

§ 284.123(g) Protest: 5 p.m. ET 1/5/27.

Docket Numbers: RP27–161–000.

Applicants: Coterra Energy Operating Co., Devon Gas Services, L.P.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al., Request for Expedited Action and Request for Shortened Comment Period of Devon Gas Services, L.P., et al.

Filed Date: 11/6/26.

Accession Number: 20261106–5117.

Comment Date: 5 p.m. ET 11/18/26.

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

Filings in Existing Proceedings

Docket Numbers: RP26–1123–001.

Applicants: WestGas InterState, Inc.

Description: Compliance filing: RP26–1123–001—2026 NAESB 587–AB Supplemental_Eff 01–01–2027 to be effective 1/1/2027.

Filed Date: 11/6/26.

Accession Number: 20261106–5101.

Comment Date: 5 p.m. ET 11/18/26.

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: November 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–23132 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–31–000.
Applicants: Echols Grove, LLC.
Description: Echols Grove, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/9/26.
Accession Number: 20261109–5105.
Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: EG27–32–000.
Applicants: Skull Creek Solar, LLC.
Description: Skull Creek Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/9/26.
Accession Number: 20261109–5108.
Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: EG27–33–000.
Applicants: Watertown Solar, LLC.
Description: Watertown Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/9/26.
Accession Number: 20261109–5109.
Comment Date: 5 p.m. ET 11/30/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER10–1342–011.
Applicants: CP Energy Marketing (US) Inc.
Description: Notice of Change in Status of CP Energy Marketing (US) Inc.
Filed Date: 11/2/26.
Accession Number: 20261102–5408.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER10–1355–016.
Applicants: Southern California Edison Company.
Description: Notice of Non-Material Change in Status of Southern California Edison Company.
Filed Date: 10/30/26.
Accession Number: 20261030–5504.
Comment Date: 5 p.m. ET 11/20/26.

Docket Numbers: ER13–2143–026; ER10–3167–026; ER13–203–025; ER19–2429–015; ER13–1613–026; ER11–3377–019; ER11–3376–018; ER25–3506–003; ER11–3378–019; ER24–2580–007.
Applicants: White Pine Hydro, LLC, South Hurlburt Wind, LLC, SF Aggregator, LLC, North Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, Brookfield White Pine Hydro LLC, Brookfield Smoky Mountain Hydropower LP, Black Bear SO, LLC, Black Bear Hydro Partners, LLC, Black Bear Development Holdings, LLC.
Description: Notice of Non-Material Change in Status of Black Bear Development Holdings, LLC, et al.
Filed Date: 11/2/26.
Accession Number: 20261102–5404.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER16–1341–005.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report of Southwest Power Pool, Inc.
Filed Date: 10/30/26.
Accession Number: 20261030–5507.
Comment Date: 5 p.m. ET 11/20/26.

Docket Numbers: ER22–2362–000; ER25–1236–000.
Applicants: California Independent System Operator Corporation, California Independent System Operator Corporation.
Description: Motion for Extension of Time of California Independent System Operator Corporation.
Filed Date: 11/2/26.
Accession Number: 20261102–5399.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER25–1321–004; ER25–1319–005; ER26–410–002; ER25–3017–003.
Applicants: Hashknife Energy Center LLC, Chalk Bluff Solar Energy LLC, Cadence Solar Energy LLC, Trade Post Solar LLC.
Description: Notice of Non-Material Change in Status of Trade Post Solar LLC, et al.
Filed Date: 11/2/26.
Accession Number: 20261102–5409.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER26–658–000.
Applicants: Pacific Gas and Electric Company.
Description: Motion to Withdrawal of 12/01/2025, Informational Filing of 2026 Formula Rate Annual Update of Pacific Gas and Electric Company.
Filed Date: 11/4/26.
Accession Number: 20261104–5245.
Comment Date: 5 p.m. ET 11/25/26.

Docket Numbers: ER26–1392–002; ER26–1394–002.
Applicants: Sonrisa BESS LLC, EDPR CA Solar Park VI LLC.
Description: Notice of Change in Status of EDPR CA Solar Park VI LLC.
Filed Date: 11/2/26.
Accession Number: 20261102–5406.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER26–1480–002.
Applicants: Bee Hollow Solar, LLC.
Description: Notice of Non-Material Change in Status of Bee Hollow Solar, LLC.
Filed Date: 11/2/26.
Accession Number: 20261102–5401.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER26–2620–001; ER26–2621–001.
Applicants: Aron Energy Prepay 72 LLC, Aron Energy Prepay 71 LLC.
Description: Notice of Non-Material Change in Status of Aron Energy Prepay 71 LLC, et al.
Filed Date: 11/2/26.
Accession Number: 20261102–5403.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER26–3133–001; ER26–3075–002.
Applicants: Spindle Battery LLC, Golden Fields Solar VI, LLC.
Description: Notice of Change in Status of Golden Fields Solar VI, LLC, et al.
Filed Date: 11/2/26.
Accession Number: 20261102–5410.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–9–001.
Applicants: Anchor Point West, LLC.
Description: Tariff Amendment: Deficiency Filing to 1 to be effective 12/1/2026.
Filed Date: 11/6/26.
Accession Number: 20261106–5160.
Comment Date: 5 p.m. ET 11/16/26.

Docket Numbers: ER27–442–000.
Applicants: Montague Wind Power Facility, LLC.
Description: Initial rate filing: Certificate of Concurrence to be effective 11/7/2026.
Filed Date: 11/6/26.
Accession Number: 20261106–5169.
Comment Date: 5 p.m. ET 11/27/26.

Docket Numbers: ER27–443–000.
Applicants: Oregon Trail Solar, LLC.
Description: Initial rate filing: Certificate of Concurrence to be effective 11/7/2026.
Filed Date: 11/6/26.
Accession Number: 20261106–5175.
Comment Date: 5 p.m. ET 11/27/26.

Docket Numbers: ER27–444–000.
Applicants: Montague Solar, LLC.
Description: Initial rate filing: Certificate of Concurrence to be effective 11/7/2026.
Filed Date: 11/6/26.
Accession Number: 20261106–5178.
Comment Date: 5 p.m. ET 11/27/26.

Docket Numbers: ER27–445–000.
Applicants: Green Recurive Utility Service LLC.
Description: § 205(d) Rate Filing: Baseline Tariff Filing—Data Infrastructure Carriage Tariff to be effective 1/5/2027.
Filed Date: 11/9/26.
Accession Number: 20261109–5041.
Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–446–000.
Applicants: Grand Junction Solar, LLC.
Description: Request for Prospective Tariff Waiver, et al. of Grand Junction Solar, LLC.

Filed Date: 11/6/26.
Accession Number: 20261106–5194.
Comment Date: 5 p.m. ET 11/27/26.
Docket Numbers: ER27–447–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 1048—EPC with Missoula Electric Cooperative to be effective 11/10/2026.
Filed Date: 11/9/26.
Accession Number: 20261109–5107.
Comment Date: 5 p.m. ET 11/30/26.

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: November 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–23131 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–48–003]

Iroquois Gas Transmission System, L.P.; Notice of Request for Extension of Time

Take notice that on October 29, 2026, Iroquois Gas Transmission System, L.P. (Iroquois) requested that the Commission grant an extension of time, until March 25, 2029, to construct and place into service its Enhancement by Compression Project (Project) located in Greene and Dutchess Counties, New York, and Fairfield and New Haven Counties, Connecticut, as authorized in the Order Issuing Certificate (Order).[1] The Order required Iroquois to complete construction of the Project and make it available for service within three years of the date of the Order, or by March 25, 2025.

On February 19, 2025, the Commission granted Iroquois an extension of time, until March 25, 2027, to complete construction of the Project and make it available for service.[2] On September 23, 2026, the Commission issued a notice to proceed with construction of the natural gas compression and gas cooling facilities at the Athens and Dover Compressor Stations in Greene and Dutchess Counties, New York, and the Milford Compressor Station in New Haven County, Connecticut.[3] Iroquois states that the Brookfield Compressor Station in Fairfield County, Connecticut is the only remaining portion of the Project awaiting final state authorization. Iroquois states that construction of the Project has previously been delayed due to pending state approvals and while it has now received all required Federal authorizations for the Project facilities in New York and all applicable authorizations required for the Milford Compressor Station in New Haven County, Connecticut, final state authorizations are still outstanding for the Brookfield Compressor Station in Fairfield County, Connecticut and therefore requests this extension of time to accommodate those delays.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Iroquois' request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[4] the Commission will aim to issue an order acting on the request within 45 days.[5] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[6] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).[7] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[8] The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

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

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

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *http://*

[1] *Iroquois Gas Transmission System, L.P.,* 178 FERC ¶ 61,200 (2022).

[2] *Iroquois Gas Transmission System, L.P.,* Order Granting Extension of Time Request, 190 FERC ¶ 61,112 (2025)

[3] *Iroquois Gas Transmission Sys., L.P.,* Partial Notice to Proceed with Construction, Docket No. CP20–48–000 (Sept. 23, 2026).

[4] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

[5] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[6] *Id.* at P 40.

[7] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[8] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

www.ferc.gov. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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

Comment Date: 5 p.m. Eastern Time on November 24, 2026.

(Authority: 18 CFR 2.1)

Dated: November 9, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–23171 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP27–10–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on October 28, 2026, Equitrans, L.P. (Equitrans), 2200 Energy Drive, Canonsburg, Pennsylvania 15317, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208(c) and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), and Equitrans' blanket certificate issued in Docket No. CP96–532–000, for authorization to construct approximately 4.91 miles of 12-inch-diameter pipeline, the H–320 pipeline, that will enable Equitrans increase the take-away capability on Equitrans' mainline system thereby enabling Equitrans to deliver 108,000 dekatherms per day of natural gas service to a proposed power plant to be operated by Wolf Summit Energy, LLC (H–320 Pipeline Project). All of the above facilities are located in Harrison County, West Virginia. The estimated cost for the project is $46,650,804, all as more fully set forth in the request which is on file with the Commission and open to 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 concerning this request should be directed to Jennifer Brough, Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, Francisco, CA 94111–4109, by phone at (415) 434–9100, or by email at *jbrough@sheppard.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on January 8, 2027. 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.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on January 8, 2027. Filings that do not meet requirements of 18 CFR 157.205(e)(2) [4] will not be considered protests by the Commission.[5] A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person 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 [6] and the regulations under the NGA [7] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on January 8, 2027. 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.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). 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

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 157.205(e)(2).

[5] *Cheniere Creole Trail Pipeline, L.P.,* 195 FERC ¶ 61,208, at P 8 n.16 (2026).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

factors set forth in Rule 214(d) of the Commission's Rules and Regulations. 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.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on January 8, 2027. 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.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP27–10–000 in your submission.

(1) You may file your protest, motion to intervene, and comments 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 ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP27–10–000.

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 method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

[8] Additionally, 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.

Protests and motions to intervene must be served on the applicant either by mail at Jennifer Brough, Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, Francisco, CA 94111–4109, or by email (with a link to the document) at *jbrough@sheppard.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.

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.*

(Authority: 18 CFR 2.1)

Dated: November 9, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–23170 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 739–091]

Appalachian Power Company; Notice of Application for Amendment Filing Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No.:* 739–091.

c. *Date Filed:* May 18, 2026.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* Claytor Hydroelectric Project.

f. *Location:* The project is located on the New River in Pulaski County, Virginia. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Brannon Littleton, P.O. Box 2021 Roanoke, VA 24022, (540) 339–3733, *bjlittleton@aep.com.*

i. *FERC Contact:* Sophie Katz, (202) 502–8216, *sophia.katz@ferc.gov.*

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* December 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–739–091. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on

each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to amend Article 411 of the project license, which currently requires the licensee to develop a plan to establish a portage put-in downstream of the dam, a portage trail connecting Appalachian Power's picnic area to the put-in, and an evaluation of the adequacy of the access road serving those facilities. The proposed amendment would remove the requirement to construct the portage trail between Appalachian Power's picnic area and the downstream put-in. The licensee states that construction of the portage trail is not feasible due to site conditions and other implementation constraints.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

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

(Authority: 18 CFR 2.1)

Dated: November 9, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–23176 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2306–180]

Great Bay Hydro Corporation, Great Bay Hydro LLC; Notice of Application of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On October 26, 2026, Great Bay Hydro Corporation (transferor) and Great Bay Hydro LLC (transferee) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) to transfer the license for the 4.675-megawatt Clyde River Hydroelectric Project (Clyde River Project) No. 2306. The project is located on the Clyde River in the Towns of Newport, Derby, and Charleston in Orleans County, Vermont, in the St. Lawrence River Basin.

Pursuant to 16 U.S.C. 801, the applicants seek Commission approval to transfer the license for the Clyde River Project from the transferor to the transferee. The proposed transfer is associated with the conversion of the transferor from a New Hampshire corporation to a New Hampshire limited liability company. Upon approval, the transferee will be required by the Commission to comply with all the requirements of the license.

Applicants Contacts: Matthew Wenger, Chief Executive Officer, President and Secretary, Great Bay Hydro Corporation, c/o Relevate B2 Investment HoldCo LLC, 230 Park Avenue, Suite 451, New York, NY 10169, Phone: (888) 885–2175, Email: *mw@relevatepower.com;* and Joshua E. Adrian, Thompson Coburn LLP, 1909 K Street NW, Suite 600, Washington, DC 20006, Phone: (202) 585–6922, Email: *jadrian@thompsoncoburn.com.*

FERC Contact: Woohee Choi, Phone: (202) 502–6336, Email: *Woohee.Choi@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2306–180. Comments emailed to Commission staff are not considered part of the Commission record.

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

(Authority: 18 CFR 2.1)

Dated: November 9, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–23175 Filed 11–12–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0549; FRL–13702–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Toxic Substances Control Act (TSCA) Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Toxic Substances Control Act (TSCA) Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (EPA ICR Number 2682.04, OMB Control Number 2070–0217) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2026. Public comments were previously requested via the **Federal Register** on November 13, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 14, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2020–0549, to EPA online using *www.regulations.gov* (our preferred method), by email to *docket.epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Katherine Sleasman, Office of Mission Critical Operations, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on November 13, 2025, during a 60-day comment period (90 FR 50923 (FRL–7902.3–01–OCSPP)). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Abstract: EPA is requiring reporting and recordkeeping requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) under the Toxic Substances Control Act (TSCA) as amended by the Fiscal Year 2020 National Defense Authorization Act (NDAA). As mandated by the amendment, EPA will require certain persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report to EPA certain information. This is a one-time reporting event to provide greater transparency on the uses and risks associated with PFAS and is mandated by the NDAA. While EPA is currently proposing an extension to the existing ICR, the reporting requirements that were identified in the published proposed rule, once finalized, will be submitted as a separate ICR action EPA intends to use information collected to assist in chemical assessments under TSCA, and to inform any additional work necessary under environmental protection mandates beyond TSCA. Respondents may claim some of the information reported to EPA under the proposed rule as CBI under TSCA section 14. TSCA section 14(c) requires a supporting statement and certification for confidentiality claims asserted after June 22, 2016.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Numbers: 9600–046.

Respondents/affected entities: Entities potentially affected by this ICR include non-exempt manufacturers (including importers) of PFAS in any year between January 1, 2011, and December 31, 2022.

Respondent's obligation to respond: Mandatory. 15 U.S.C. 2607(a)(7).

Estimated number of respondents: 131,410 (total).

Frequency of response: Once.

Total estimated burden: 3,878,744 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $281 million (per year) and $266.7 million (per year) using a 3 percent and 7 percent discount rate, respectively, which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in estimated industry burden. Once the revisions to the regulation are finalized, EPA expects a decrease of 3.4 million hours in the total estimated industry burden compared with the ICR currently approved by OMB. This decrease will reflect the modifications to the scope of the reporting regulation. EPA intends to amend the one-time PFAS reporting and recordkeeping regulation finalized on October 11, 2023 (88 FR 70516) (FRL–7902–02–OCSPP)), to incorporate the following exemptions to the scope of reportable manufacturing activities: a de minimis exemption of 0.1%; imported articles; byproducts; impurities; research and development (R&D) chemicals; and non-isolated intermediates. The number of affected entities is estimated to decrease from 131,411 firms to 255, and the number of reports is estimated to decrease from 67,548 to 1,461 reports.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–23125 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–248]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Federal Activities Division, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed November 2, 2026 10 a.m. EST Through November 9, 2026 10 a.m. EST.

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20260141, Final, USACE, MO, Lower Missouri River Basin Flood Risk and Resiliency Comprehensive Study (System Plan) & Integrated Programmatic Environmental Impact Statement, Review Period Ends: 12/14/2026, Contact: Dave Crane 402–995–2676.

EIS No. 20260142, Final, BIA, NV, Yahthumb Solar Project, Review Period Ends: 12/14/2026, Contact: John F. Krause 480–993–6497.

EIS No. 20260143, Draft, DOT, NAT, Pipeline Safety: Amendments to Liquefied Natural Gas Facilities, Comment Period Ends: 01/04/2027, Contact: Carolyn Nelson 202–366–4433.

Dated: November 9, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–23139 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2026–4192; FRL–13655–01–OCSPP]

Pesticide Registration Maintenance Fee; Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA or Agency) is hereby issuing an order for the cancellations of the pesticide product registrations identified in this document. EPA previously announced its receipt of and requested comments on requests to voluntarily cancel the product registrations listed in Table 1 of Unit II. and announced its intent to cancel the product registrations listed in Table 3 of Unit III. With the issuance of this cancellation order, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: These cancellations are effective November 13, 2026.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2026–4192, is available through *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Jennifer Drobish, Regulatory & Information Services Division (7505M), Office of Mission Critical Operations, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 202–2642; email address: *drobish.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

FIFRA section 6(f)(1) (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be cancelled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request.

FIFRA section 4(i)(5) (7 U.S.C. 136a–1(i)(5)) requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under FIFRA section 3 (7 U.S.C. 136a) as well as those granted under FIFRA section 24(c) (7 U.S.C. 136v(c)) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without hearing. Under FIFRA, the EPA Administrator may reduce or waive maintenance fees for minor agricultural use pesticides when it is determined that the fee would be likely to have significant impact on the availability of pesticides for the use.

C. What action is the Agency taking?

This cancellation order follows a notice of receipt and opportunity for public comments on the requests from the registrants listed to voluntarily cancel their product registrations. See 91 FR 38423, June 25, 2026 (FRL–13402–01–OCSPP). In that document, EPA also provided a notice of intent to cancel certain other product registrations for non-payment of the 2026 pesticide registration maintenance fees. Since registrations for which the fee is not paid are subject to cancellation by order and without hearing, EPA did not seek public comment for the cancellation of the products listed.

In that document, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of the requests, or unless the registrants withdrew their requests. The Agency received three comments, two of which were requests from companies listed in Table 3 to move to Table 1. The Agency agrees and has granted those requests. Accordingly, EPA hereby issues this cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

II. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations and orders that the product registrations identified in Table 1 of this unit are cancelled. The effective date of the cancellations that are the subject of this order is November 13, 2026. Any distribution, sale, or use of existing stocks of the products

identified in Table 1 of this unit in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VII. will be a violation of FIFRA.

Table 1 of this unit lists the product cancellations, as requested by registrants, in sequence by registration number (or company number and FIFRA section 24(c) number).

TABLE 1—VOLUNTARY PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredient
100–884	100	VANQUISH HERBICIDE	Dicamba, diglycolamine salt (128931/104040–79–1)—(58.1%).
100–986	100	BRODIFACOUM CONCENTRATE	Brodifacoum (112701/56073–10–0)—(.25%).
100–1059	100	FUSION HERBICIDE	Fenoxaprop-p-ethyl (129092/71283–80–2)—(6.76%), Fluazifop-P-butyl (122809/79241–46–6)—(24.15%).
100–1097	100	KARATE INSECTICIDE WITH ZEON TECHNOLOGY.	Lambda-Cyhalothrin (128897/91465–08–6)—(22.8%).
100–1161	100	EXPERT HERBICIDE	Atrazine (080803/1912–24–9)—(22.9%), Glyphosate, isopropylamine salt (103601/38641–94–0)—(10.8%), S-Metolachlor (108800/87392–12–9)—(18.6%).
100–1169	100	TOUCHDOWN TOTAL	Glyphosate, potassium salt (103613/70901–12–1)—(44.9%).
100–1192	100	TILT BRAVO SE	Chlorothalonil (081901/1897–45–6)—(38.5%), Propiconazole (122101/60207–90–1)—(2.9%).
100–1264	100	0.25% MESOTRIONE ON FERTILIZER.	Mesotrione (122990/104206–82–8)—(.25%).
100–1265	100	0.19% MESOTRIONE ON FERTILIZER.	Mesotrione (122990/104206–82–8)—(.19%).
100–1289	100	THIAMETHOXAM LAWN & LANDSCAPE 0.22G.	Thiamethoxam (060109/153719–23–4)—(.22%).
100–1296	100	LAMBDA CYHALOTHRIN 122CS	Lambda-Cyhalothrin (128897/91465–08–6)—(11.4%).
100–1342	100	VANQUISH MANUFACTURING USE CONCENTRATE HERBICIDE.	Dicamba, diglycolamine salt (128931/104040–79–1)—(56.8%).
100–1416	100	PRODIAMINE 4 SC	Prodiamine (110201/29091–21–2)—(40.7%).
100–1423	100	A16901B RESIDENTIAL INSECTICIDE.	Cyantraniliprole (090098/736994–63–1)—(20%), Thiamethoxam (060109/153719–23–4)—(20%).
100–1482	100	INDX 0.008% IMT	Indoxacarb (067710/173584–44–6)—(.008%).
100–1488	100	INDX 0.008% MT	Indoxacarb (067710/173584–44–6)—(.008%).
100–1549	100	QUINDIGO	Azoxystrobin (128810/131860–33–8)—(13.19%), Propiconazole (122101/60207–90–1)—(11.54%), Thiamethoxam (060109/153719–23–4)—(6.59%), lambda-Cyhalothrin (128897/91465–08–6)—(3.3%).
100–1599	100	INOSCO	Dipotassium phosphite (K2HPO3) (076416/13492–26–7)—(54.5%).
100–1620	100	CLARIVA ELITE BEANS	Fludioxonil (071503/131341–86–1)—(.63%), Metalaxyl-M (113502/70630–17–0)—(1.88%), Pasteuria nishizawae Pn1 (016455/)—(4.06%), Sedaxane (129223/874967–67–6)—(.63%), Thiamethoxam (060109/153719–23–4)—(12.5%).
100–9220	100	DUPONT ADVION BMT FIRE ANT BAIT.	Indoxacarb (067710/173584–44–6)—(.012%).
AS190002	100	PROVAUNT	Indoxacarb (067710/173584–44–6)—(30%).
CA050004	100	PRINCEP 4L	Simazine (080807/122–34–9)—(41.9).
CA120003	100	AGRI–MEK SC	Abamectin (122804—71751–41–2)—(8%).
CA200001	100	ORONDIS	Oxathiapiprolin (128111—1003318–67–9)—(18.7%).
IA170001	100	DUAL II MAGNUM HERBICIDE	S-Metachlor (108800—87392–12–9)—(82.4%).
MS110004	100	ENVOKE HERBICIDE	2-Pyridinesulfonamide, N-[[(4,6-dimethoxy-2-pyrimidinyl) amino] carbonyl]-3-(2,2-trifluroethoxy)-monosodium salt, monohydrate (119009/290332–10–4)—(75%).
OR130009	100	PALISADE EC	Trinexapac-ethyl (112602/95266–40–3)—(12%).
PR160002	100	PROCLAIM INSECTICIDE	Emamectin benzoate (122806/155569–91–8)—(5%).
WI180001	100	DUAL MAGNUM HERBICIDE	S-Metachlor (108800—87392–12–9)—(83.7%).
228–296	228	RIVERDALE VETERAN 2010 HERBICIDE.	Dicamba, dimethylamine salt (029802/2300–66–5)—(16%), MCPA, dimethylamine salt (030516/2039–46–5)—(32.6%).
228–323	228	RIVERDALE TRUPOWER SELECTIVE HERBICIDE.	Clopyralid (117403/1702–17–6)—(5.18%), Dicamba, dimethylamine salt (029802/2300–66–5)—(4.73%), dimethylamine salt (030516/2039–46–5)—(48.13%).
228–330	228	TRI–POWER N.Y. WEED AND FEED.	Dicamba (029801/1918–00–9)—(.06%), MCPA, dimethylamine salt (030516/2039–46–5)—(.808%), DMA salt (031520/66423–09–4)—(.157%).
228–333	228	RIVERDALE MCDA L.A.C. SELECTIVE HERBICIDE.	Clopyralid, monoethanolamine salt (117401/57754–85–5)—(2.58%), Dicamba, dimethylamine salt (029802/2300–66–5)—(4.73%), MCPA, dimethylamine salt (030516/2039–46–5)—(48.13%).
228–568	228	BRAZEN SF HERBICIDE	Clopyralid (117403/1702–17–6)—(12.1%), Triclopyr, triethylamine salt (116002/57213–69–1)—(33%).
241–350	241	PURSUIT DG HERBICIDE	Imazethapyr (128922/81335–77–5)—(70%).
279–3182	279	AIM 50 DF HERBICIDE	Carfentrazone-ethyl (128712/128639–02–1)—(50%).
279–3254	279	AIM 40 WP HERBICIDE	Carfentrazone-ethyl (128712/128639–02–1)—(40%).
279–3303	279	AIM 12% MICROEMULSION (ME) HERBICIDE.	Carfentrazone-ethyl (128712/128639–02–1)—(13.9%).
279–3405	279	FMC GLYPHOSATE TECHNICAL	Glyphosate (417300/1071–83–6)—(98.5%).

TABLE 1—VOLUNTARY PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
279–3406	279	GLYPHOSATE 62% ISOPROPYLAMINE SALT (IPA).	Glyphosate, isopropylamine salt (103601/38641–94–0)—(62%).
279–3542	279	GLYFOS HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
279–3543	279	GLYFOS READY–TO–USE 0.96% WEED & GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(.96%).
279–3544	279	GLYFOS MUC 62%	Glyphosate, isopropylamine salt (103601/38641–94–0)—(62%).
279–3545	279	GLYFOS CONCENTRATE 27% WEED & GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(27%).
279–3546	279	GLYFOS II HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
279–3547	279	GLYFOS PRO HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
279–3548	279	GLYFOS CUSTOM HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(53.8%).
279–3549	279	GLYFOS READY–TO–USE 2% WEED AND GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(2%).
279–3550	279	GLYFOS XTRAMAX	Glyphosate, isopropylamine salt (103601/38641–94–0)—(50.2%).
279–3608	279	GLYFOS CONCENTRATE 18% WEED & GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(18%).
279–3609	279	GLYFOS READY–TO–USE 1.92% WEED & GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(1.92%).
279–3610	279	GLYFOS CONCENTRATE 41% WEED & GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
279–3611	279	GLYFOS CONCENTRATE 25% WEED AND GRASS KILLER.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(25%).
IN240001	279	SPARTAN 4F	Sulfentrazone (129081/122836–35–5)—(39.6%).
4462–39	4462	SANI–BAC	Sodium dichloro-s-triazinetrione (081404/2893–78–9)—(20%).
4787–23	4787	GLYFOS X–TRA	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
4787–26	4787	GLYPHOSPHATE TECHNICAL	Glyphosate (417300/1071–83–6)—(98.3%).
4787–31	4787	GLYFOS HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(41%).
4787–34	4787	GLYFOS AQ AQUATIC HERBICIDE	Glyphosate, isopropylamine salt (103601/38641–94–0)—(53.8%).
4787–35	4787	GLYPHOSATE CONCENTRATE MANUFACTURING USE PRODUCT.	Glyphosate, isopropylamine salt (103601/38641–94–0)—(62%).
4787–57	4787	CHEMINOVA GLYPHOSATE TECHNICAL.	Glyphosate (417300/1071–83–6)—(95.7%).
MT200001	5481	ASSURE II HERBICIDE	Quizalofop-p-ethyl (128709/100646–51–3)—(10.3%).
OR010002	5481	K–SALT FRUIT FIX 200	Potassium 1-naphthaleneacetate (056003/15165–79–4)—(6.25%).
WA010003	5481	K–SALT FRUIT FIX 800	Potassium 1-naphthaleneacetate (056003/15165–79–4)—(24.2%).
WI200003	5481	VAPAM HL SOIL FUMIGANT	Metam-sodium (039003/137–42–8)—(42%).
7173–287	7173	CHLOROPHACINONE BAIT STATION.	Chlorophacinone (067707/3691–35–8)—(.005%).
7173–289	7173	CHLOROPHACINONE BLOCK 0803 BAIT STATION.	Chlorophacinone (067707/3691–35–8)—(.005%).
7173–295	7173	CHLOROPHACINONE BLOCK 0803 BAIT STATION II.	Chlorophacinone (067707/3691–35–8)—(.005%).
7173–307	7173	CHLOROPHACINONE GROUND SQUIRREL BAIT.	Chlorophacinone (067707/3691–35–8)—(.005%).
WI130007	8033	TOPSIN M WSB	Thiophanate-methyl (23564–05–8/102001)—(70%).
8329–103	8329	NATULAR XRT WSP	Spinosad (110003/131929–60–7)—(6.25%).
8329–104	8329	NATULAR T30 WSP	Spinosad (110003/131929–60–7)—(8.33%).
8329–44	8329	PERMETHRIN 57% OS	Permethrin (109701/52645–53–1)—(57%).
8329–46	8329	PIPERONYL BUTOXIDE SYNERGIST.	Piperonyl butoxide (067501/51–03–6)—(100%).
8329–66	8329	PERMETHRIN TECHNICAL INSECTICIDE.	Permethrin (109701/52645–53–1)—(95.2%).
8329–67	8329	FLIT 10 EC BROAD SPECTRUM MULTI–USE INSECTICIDE.	Permethrin (109701/52645–53–1)—(10%).
ID040006	10163	ONAGER 1E	Hexythiazox (128849/78587–05–0)—(11.8%).
ID259999	10163	EPTAM 7–E SELECTIVE HERBICIDE.	Carbamothioic acid, dipropyl- S-ethyl ester (041401/759–94–4)—(87.8%).
NJ130003	10163	MALATHION 8	Malathion (057701/121–75–5)—(79.5%).
WA190006	10163	BADGEÂ® X2	Copper hydroxide (023401/20427–59–2)—(21.49%), Copper oxychloride (023501/1332–65–6)—(23.82%).
11556–4	11556	CO–RAL ANIMAL INSECTICIDE 1% SHAKER CAN.	Coumaphos (036501/56–72–4)—(1%).
CA920017	19713	IDA, INC. KNOCK'UM OFF	Sodium chlorate (073301/7775–09–9)—(47.2%).
GA890007	19713	DREXEL DEFOL	Sodium chlorate (073301/7775–09–9)—(28%).
ND200006	19713	CHLOROTHALONIL–ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
TX020007	19713	DREXEL CARBARYL 4L	Carbaryl (056801/63–25–2)—(43.4%).
TX080003	19713	DREXEL DAMOIL	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(98%).
59639–145	59639	BROMUCONAZOLE TECHNICAL	1H–1,2,4-Triazole, 1-((4-bromo-2-(2,4-dichlorophenyl) tetrahydro-2-furanyl) methyl)-(120503/116255–48–2)—(97%).

TABLE 1—VOLUNTARY PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
59639–146	59639	BROMUCONAZOLE FUNGICIDE	1H–1,2,4-Triazole, 1-(4-bromo-2-(2,4-dichlorophenyl) tetrahydro-2-furanyl) methyl)-(120503/116255–48–2)—(20%).
59639–179	59639	V–10135 4 SC FUNGICIDE	Fenpyrazamine (090109/473798–59–3)—(43.6%).
59639–180	59639	V–10135 TECHNICAL FUNGICIDE ..	Fenpyrazamine (090109/473798–59–3)—(96.6%).
59639–196	59639	V–10135 3.34 SC FUNGICIDE	Fenpyrazamine (090109/473798–59–3)—(36.13%).
DE180002	59639	DINOTEFURAN TREE CARE 70WSP.	Dinotefuran (044312/165252–70–0)—(70%).
CA770308	61842	DU PONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
CA770431	61842	DUPONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
CA770495	61842	DU PONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
CA780136	61842	DU PONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
CA860059	61842	DU PONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
CA910011	61842	DUPONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
LA080014	61842	DUPONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
LA080015	61842	DUPONT LANNATE LV INSECTICIDE.	Methomyl (090301/16752–77–5)—(29%).
NJ000004	61842	DUPONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
WA130002	61842	LINEX 4L HERBICIDE	Linuron (035506/330–55–2)—(40.6%).
WV930003	61842	DUPONT LANNATE SP INSECTICIDE.	Methomyl (090301/16752–77–5)—(90%).
MI180006	66222	BRAVO ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
MI190002	66222	BRAVO 720	Chlorothalonil (081901/1897–45–6)—(54%).
MN220002	66222	BRAVO 720	Chlorothalonil (081901/1897–45–6)—(54%).
MN220003	66222	BRAVO 825 AGRICULTURAL FUNGICIDE.	Chlorothalonil (081901/1897–45–6)—(82.5%).
MN220004	66222	BRAVO ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
ND190004	66222	BRAVO 720	Chlorothalonil (081901/1897–45–6)—(54%).
ND190005	66222	BRAVO ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
OH070003	66222	DIAZINON AG500	Diazinon (057801/333–41–5)—(48%).
OR050008	66222	DIAZINON AG 500	Diazinon (057801/333–41–5)—(48%).
UT190004	66222	FULFILL INSECTICIDE	Pymetrozine (101103/123312–89–0)—(50%).
WI230002	66222	BRAVO ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
WI230003	66222	BRAVO 825 AGRICULTURAL FUNGICIDE.	Chlorothalonil (081901/1897–45–6)—(82.5%).
WY200001	66222	FANFARE 2 SC INSECTICIDE/MITICIDE.	Bifenthrin (128825/82657–04–3)—(22.6%).
71368–66	71368	GARRISON HERBICIDE	Clopyralid, monoethanolamine salt (117401/57754–85–5)—(40.9%).
ID210004	81880	SANDEA HERBICIDE	Halosulfuron-methyl (128721/100784–20–1)—(75%).
92617–2	92617	WOODTREAT CM	Chlorothalonil (081901/1897–6)—(15.2%), Methylene bis(thiocyanate) (068102/6317–18–6)—(14.6%).
92617–4	92617	WATERBORNE MILLTREAT 5:1 CONCENTRATE.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(3.09%).
92617–5	92617	WOODLIFE 4:1 CONCENTRATE CLEAR.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(2.5%).
92617–6	92617	WATERBASED WOODLIFE 4:1 CONCENTRATE.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(2.5%).
92617–9	92617	WOODTREAT—10 SAPSTAIN CONTROL BOOSTER CONCENTRATE.	Propiconazole (122101/60207–90–1)—(10%).
92617–11	92617	WOODLIFE 3 WATER REPELLENT WOOD PRESERVATIVE.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(.1%), Propiconazole (122101/60207–90–1)—(.1%), Tebuconazole (128997/107534–96–3)—(.1%).
92617–18	92617	MOLDSHIELD SAPSTAIN AND MOLD CONTROL PRODUCT.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(.7%), Diiodomethyl p-tolyl sulfone (101002/20018–09–1)—(.19%), Propiconazole (122101/60207–90–1)—(.7%).

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF THE VOLUNTARILY CANCELLED PRODUCTS

Company No.	Company name and address
100	SYNGENTA CROP PROTECTION, LLC, P.O. BOX 18300, GREENSBORO, NC 27419-8300.
228	NUFARM AMERICAS, INC. Agent for: NUFARM AMERICAS, INC., 4000 AERIAL CENTER PKWY., SUITE 101, MORRISVILLE, NC 27560.
241	BASF AGRICULTURAL SOLUTIONS US LLC, 2 TW ALEXANDER DRIVE, RESEARCH TRIANGLE PARK, NC 27713.
279	FMC CORPORATION, 2929 WALNUT STREET, PHILADELPHIA, PA 19104.
1001	NUFARM AMERICAS, INC. Agent for: CLEARY CHEMICALS, LLC, 4000 AERIAL CENTER PKWY., SUITE 101, MORRISVILLE, NC 27560.
1381	WINFIELD SOLUTIONS, LLC, P.O. BOX 64589, ST. PAUL, MN 55164-0589.
4462	US CHEMICAL CORPORATION, 316 HART STREET, WATERTOWN, WI 53094.
4787	FMC CORPORATION Agent for: CHEMINOVA A/S, 2929 WALNUT STREET, PHILADELPHIA, PA 19104.
5481	AMVAC CHEMICAL CORPORATION, 4695 MACARTHUR COURT, SUITE 1200, NEWPORT BEACH, CA 92660-1706.
5905	HELENA AGRI–ENTERPRISES, LLC, D/B/A HELENA CHEMICAL COMP, 225 SCHILLING BLVD., SUITE 300, COLLIERVILLE, TN 38017.
7173	LIPHATECH, INC., 3600 W ELM STREET, MILWAUKEE, WI 53209.
7969	BASF AGRICULTURAL SOLUTIONS US LLC, 2 TW ALEXANDER DRIVE, RESEARCH TRIANGLE PARK, NC 27713.
8033	NISSO AMERICA INC. Agent for: NIPPON SODA CO., LTD., 379 THORNALL STREET, 5TH FLOOR, EDISON NJ 08837.
8329	CLARKE MOSQUITO CONTROL PRODUCTS, INC., 675 SIDWELL COURT, ST. CHARLES, IL 60174.
10163	GOWAN COMPANY, LLC, 370 S MAIN ST., YUMA, AZ 85364.
11556	ELANCO US INC., 450 ELANCO CIRCLE, INDIANAPOLIS, IN 46221.
19713	DREXEL CHEMICAL COMPANY, P.O. BOX 13327, MEMPHIS, TN 38113-0327.
59639	VALENT U.S.A. LLC, P.O. BOX, 5075 SAN RAMON, CA 94583.
61842	PYXIS REGULATORY CONSULTING, INC. Agent for: TESSENDERLO KERLEY, INC., 535 DOCK STREET, SUITE 211, TACOMA, WA 98402.
66222	MAKHTESHIM AGAN OF NORTH AMERICA, INC. D/B/A ADAMA, 8601 SIX FORKS ROAD, SUITE 300, RALEIGH, NC 27615.
71368	NUFARM AMERICAS, INC. Agent for: NUFARM, INC., 4000 AERIAL CENTER PKWY., SUITE 101, MORRISVILLE, NC 27560.
81880	GOWAN COMPANY, LLC Agent for: CANYON GROUP LLC, 370 S MAIN ST. YUMA, AZ 85364.
92617	KOP–COAT, INC. DBA KOP–COAT PROTECTION PRODUCTS, 3040 WILLIAM PITT WAY, PITTSBURGH, PA 15238.

Table 3 of this unit lists all the FIFRA sections 3 and 24(c) registrations that are canceled for non-payment of the 2026 maintenance fee. These registrations are canceled by this order effective November 13, 2026 and without hearing.

TABLE 3—REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2026 MAINTENANCE FEE

Registration No.	Company No.	Product name	Active ingredient
3–14	3	HARRIS TERMITE POWDER	Boron sodium oxide (B8Na2O13), tetrahydrate (12280–03–4) (011103/12280–03–4)—(98%).
3–24	3	VINEGAR GRASS & WEED KILLER II.	Vinegar (044001/64–19–7)—(20%).
1769–371	1769	DROP DEAD II	Permethrin (109701/52645–53–1)—(.2%), Piperonyl butoxide (067501/51–03–6)—(.5%), Pyrethrins (069001/8003–34–7)—(.1%).
1769–53	1769	PYRA–FOG 100	MGK 264 (057001/113–48–4)—(.278%), Piperonyl butoxide (067501/51–03–6)—(.278%), Pyrethrins (069001/8003–34–7)—(.111%).
2568–104	2568	SEAFORCE 7700 1A	Copper 2-pyridinethio-1-oxide (088001/14915–37–8)—(1.5%), Cuprous oxide (025601/1317–39–1)—(27%).
2568–105	2568	SEAFORCE 9900 1A	Copper 2-pyridinethio-1-oxide (088001/14915–37–8)—(2.9%), Cuprous oxide (025601/1317–39–1)—(35%).
2568–93	2568	ANTIFOULING SEAFORCE 200 AV DARK RED.	Cuprous oxide (025601/1317–39–1)—(44.59%).
2693–174	2693	TRI–LUX II AEROSOL 490A BLUE	Copper thiocyanate (025602/1111–67–7)—(9.16%).
2693–84	2693	RED HAND BRAND BOAT COPPER PAINT 48 GREEN.	Cuprous oxide (025601/1317–39–1)—(21.3%).
5383–166	5383	NUOSEPT 495	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(19%).
5383–218	5383	FORCIDE TN	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(4.17%), Hexahydro-1,3,5-tris(2-hydroxyethyl)-s-triazine (083301/4719–04–4)—(53%).
7946–30	7946	ABACIDE 2HP	Abamectin (122804/71751–41–2)—(1.9%).
7946–33	7946	MYCOJECT ULTRA HP	Oxytetracycline hydrochloride (006308/2058–46–0)—(4.3%).
7946–34	7946	DINOCIDE HP	Dinotefuran (044312/165252–70–0)—(12%).
8419–1	8419	COPPER–COUNT–N	Copper, bis(acetato-O) diammine- (036011/13822–80–5)—(27.15%).
8622–89	8622	BROMIDE PLUS 46	Sodium bromide (013907/7647–15–6)—(46%).
8764–1	8764	FRESHGARD 25	o-Phenylphenol, sodium salt (064104/132–27–4)—(25%).
8764–53	8764	FRESHGARD 71	Sodium hypochlorite (014703/7681–52–9)—(10%).
9078–12	9078	CO–OP PASTURE BLOCK WITH RABON.	Gardona (cis-isomer) (083702/22248–79–9)—(.31%).
9374–8	9374	RAGLAND FLY BLOCK WITH RABON (R) ORAL LARVICIDE.	Gardona (cis-isomer) (083702/22248–79–9)—(.3%).

TABLE 3—REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2026 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
9779–251	9779	DORMANT OIL 435	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(98.8%).
10088–20202	10088	POWDER ROACH KILLER	Boric acid (011001/10043–35–3)—(99%).
12446–20003	12446	ACID QUAT 5	1-Decanaminium, N, N-dimethyl-N-octyl-, chloride (069165/32426–11–2)—(3.07%), 1-Decanaminium, N-decyl-N, N-dimethyl-, chloride (069149/7173–51–5)—(1.54%), 1-Octanaminium, N, N-dimethyl-N-octyl-, chloride (069166/5538–94–3)—(1.54%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(4.1%).
23566–19	23566	COPPERPLUS 661 BLUE	Cuprous oxide (025601/1317–39–1)—(43%).
23566–20	23566	BIO C3 CONTINUOUS COPPER COPOLYMER.	Cuprous oxide (025601/1317–39–1)—(55%).
29909–2	29909	CARDINAL FLEA AND TICK SHAMPOO FOR DOGS AND CATS.	Piperonyl butoxide (067501/51–03–6)—(.5%), Pyrethrins (069001/8003–34–7)—(.05%).
29909–8	29909	CARDINAL FLEA & TICK SPRAY FOR DOGS, CATS & HORSES.	Piperonyl butoxide (067501/51–03–6)—(.6%), Pyrethrins (069001/8003–34–7)—(.06%).
32258–3	32258	FLORALIFE PRG	Sodium dichloro-s-triazinetrione (081404/2893–78–9)—(99%).
36272–14	36272	APICIDE	Carbaryl (056801/63–25–2)—(5%).
36736–6	36736	STERILIZING GAS 6	Ethylene oxide (042301/75–21–8)—(12%).
37549–4	37549	ISOLYSER LTS–PLUS	Sodium dichloro-s-triazinetrione (081404/2893–78–9)—(10.2%).
37589–2	37589	X–262 BACTERIOSTATIC SILVER IMPREGNATED ACTIVATED CARBON.	Silver (072501/7440–22–4)—(.2%).
CA840006	39352	SODIUM CYANIDE	Sodium cyanide (074002/143–33–9)—(98%).
42182–15	42182	LOK–8008	Nanosilver 007 (072597/)—(4%).
44891–24	44891	FLEXGARD X COPPER PAINT	Cuprous oxide (025601/1317–39–1)—(24.7%).
45337–8	45337	YELLOW TREAT ALGICIDE	Sodium bromide (013907/7647–15–6)—(88.8%).
45337–9	45337	GREEN TREATÂ® ALGICIDE	Sodium bromide (013907/7647–15–6)—(48.5%).
46043–35	46043	SUNCOAST ALGAE EATER PLUS	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(10%).
46043–36	46043	SUNCOAST ALGAECIDE CONCENTRATE.	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(50%).
49911–4	49911	SUPER MEGADEN	Naphthalene, 1,4-dimethyl- (055802/571–58–4)—(98.11%).
53026–1	53026	CALCIUM HYPOCHLORITE HYDRATED.	Calcium hypochlorite (014701/7778–54–3)—(73%).
53575–6	53575	ISOMATE–C PLUS	CheckMate Technical Pheromone (129028/33956–49–9)—(52.96%), Lauryl alcohol (001509/112–53–8)—(29.73%), Myristyl alcohol (001510/112–72–1)—(6.04%).
55487–20001	55487	B'S POOL SUPPLY SODIUM HYPOCHLORITE SOLUTION (12.5%).	Sodium hypochlorite (014703/7681–52–9)—(12.5%).
FL080008	56228	GF–120 NF NATURALYTE FRUIT FLY BAIT.	Spinosad (110003/131929–60–7)—(.02%).
PA160001	56228	GONACON—EQUINE	Gonadotropin Releasing Hormone (116800/9034–40–6)—(.032%).
56601–2	56601	MILDEW CHECK MULTI–PURPOSE WASH.	Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(.23%).
56601–4	56601	COPPER ARMOR	Cupric oxide (042401/1317–38–0)—(.33%).
NC140003	56907	STERILIZING GAS 8	Ethylene oxide (042301/75–21–8)—(8.5%).
57787–34	57787	TRICHLORO GRANULAR MG	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
58190–1	58190	ALFA–SAVE	Propionic acid (077702/79–09–4)—(63%).
62097–50	62097	FAL 1785	Cytokinin (as kinetin) (116801/525–79–1)—(.1%), Gibberellic acid (043801/77–06–5)—(.05%), Indole-3-butyric acid (046701/133–32–4)—(.05%).
62097–51	62097	FAL 1786	Cytokinin (as kinetin) (116801/525–79–1)—(.01%), Gibberellic acid (043801/77–06–5)—(.005%), Indole-3-butyric acid (046701/133–32–4)—(.005%).
62097–57	62097	FAL 1788	Cytokinin (as kinetin) (116801/525–79–1)—(.009%), Gibberellic acid (043801/77–06–5)—(.005%), Indole-3-butyric acid (046701/133–32–4)—(.006%).
63310–19	63310	RHIZOPON AA #1 (0.1)	Indole-3-butyric acid (046701/133–32–4)—(.1%).
63310–20	63310	RHIZOPON AA #2 (0.3)	Indole-3-butyric acid (046701/133–32–4)—(.3%).
63310–21	63310	RHIZOPON AA #3 (0.8)	Indole-3-butyric acid (046701/133–32–4)—(.8%).
63761–3	63761	ULTRA–KLEEN SOLUTION 1	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (069104/53516–76–0)—(3%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (069154/85409–23–0)—(3%).
64137–32	64137	TICK–EX G	Metarhizium brunneum (formerly known as Metarhizium anisopliae) Strain F52 (029056/)—(2%).
65692–1	65692	HYPOCHLOR	Sodium hypochlorite (014703/7681–52–9)—(12.5%).
65692–2	65692	HYPOCHLOR 10	Sodium hypochlorite (014703/7681–52–9)—(10%).
67505–10	67505	ECTO B715 INSECTICIDE	Permethrin (109701/52645–53–1)—(8.5%), Piperonyl butoxide (067501/51–03–6)—(4.25%).
67505–11	67505	ECTO B736 INSECTICIDE	Permethrin (109701/52645–53–1)—(34%), Piperonyl butoxide (067501/51–03–6)—(8.5%).
67505–12	67505	E963 INSECTICIDE DOG COLLAR	Deltamethrin (097805/52918–63–5)—(4%).

TABLE 3—REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2026 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
67505–2	67505	ECTO POUR–ON FOR CATTLE	Permethrin (109701/52645–53–1)—(7.4%), Piperonyl butoxide (067501/51–03–6)—(7.4%).
67505–3	67505	ECTO DOG FLEA & TICK INSECTICIDE WITH IGR.	Permethrin (109701/52645–53–1)—(45%), Pyriproxyfen (129032/95737–68–1)—(5%).
67505–4	67505	ECTO DOG & HORSE FLEA & TICK INSECTICIDE.	Permethrin (109701/52645–53–1)—(45%).
67505–5	67505	ECTO F724	Pyriproxyfen (129032/95737–68–1)—(5.3%).
OR080001	67751	SELECT MAX HERBICIDE WITH INSIDE TECHNOLOGY.	Clethodim (121011/99129–21–2)—(12.6%).
68362–1	68362	FLEA MAXX	Boric acid (011001/10043–35–3)—(65%).
68868–2	68868	SURCIDE G–50	Glutaraldehyde (043901/111–30–8)—(50%).
69361–4	69361	STREPTOMYCIN 3000 DUST	Streptomycin sulfate (006310/3810–74–0)—(.75%).
69361–48	69361	REPAR STREPTOMYCIN 50	Streptomycin sulfate (006310/3810–74–0)—(62.65%).
69361–56	69361	TEBUACTIN FUNGICIDE	Tebuconazole (128997/107534–96–3)—(38.7%).
69361–8	69361	REPAR STREPTO–SULFATE TECHNICAL.	Streptomycin sulfate (006310/3810–74–0)—(88%).
69361–9	69361	REPAR STREPTOMYCIN 17	Streptomycin sulfate (006310/3810–74–0)—(22.4%).
69972–1	69972	ONCHLOR 25	Sodium chlorite (020502/7758–19–2)—(25%).
70053–1	70053	LOW TEMP SANITIZER 5.25%	Sodium hypochlorite (014703/7681–52–9)—(5.25%).
70925–1	70925	SOLUTION 3	Sodium hypochlorite (014703/7681–52–9)—(5.25%).
71910–4	71910	THERMACELL MOSQUITO REPELLENT CANDLE LANTERN.	D-Allethrin (004005/584–79–2)—(21.97%).
72500–19	72500	SMACKER BAIT	Bromadiolone (112001/28772–56–7)—(.005%), Imidacloprid (129099/138261–41–3)—(.02%).
72804–1	72804	DOKTOR DOOM TOTAL RELEASE FOGGER.	Piperonyl butoxide (067501/51–03–6)—(2%), Pyrethrins (069001/8003–34–7)—(.4%).
72804–3	72804	DOKTOR DOOM PREMIUM INSECT REPELLENT.	Picaridin (070705/119515–38–7)—(20%).
73103–2	73103	KATTLEGUARD III	Permethrin (109701/52645–53–1)—(1%), Piperonyl butoxide (067501/51–03–6)—(1%).
73748–7	73748	MASTERLINE BIFENTHRIN 7.9 TERMITICIDE/INSECTICIDE.	Bifenthrin (128825/82657–04–3)—(7.9%).
73748–8	73748	MASTERLINE I MAXXPRO	Imidacloprid (129099/138261–41–3)—(75%).
73748–9	73748	MASTERLINE I MAXXPRO 2F	Imidacloprid (129099/138261–41–3)—(21.4%).
73771–10	73771	CALCIPHITE MUP	Calcium salts of phosphorous acid (120090/21056–98–4)—(95%).
73771–11	73771	FUNGI–PHITE CA	Calcium salts of phosphorous acid (120090/21056–98–4)—(20%), Dipotassium phosphite (K2HPO3) (076416/13492–26–7)—(20%).
73771–13	73771	VLS–2002–03	(2S)-5-Oxopyrrolidine-2-carboxylic Acid (128720/98–79–3)—(25%).
73771–4	73771	D7	Pseudomonas fluorescens strain D7 (016418/)—(95%).
75199–3	75199	12.5% CHLORINATING BLEACH	Sodium hypochlorite (014703/7681–52–9)—(12.5%).
75341–19	75341	SODIUM FLUORIDE POWDERED	Sodium fluoride (075202/7681–49–4)—(97.5%).
75499–19	75499	VITAGIB 40% SOLUBLE POWDER PLANT GROWTH REGULATOR.	Gibberellic acid (043801/77–06–5)—(40%).
75652–3	75652	ORCHEX 892	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(100%).
75652–4	75652	CALUMET DORMANT SPRAY OIL 75.	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(100%).
75710–2	75710	MITE–AWAY QUICK STRIPS	Formic acid (214900/64–18–6)—(46.7%).
81045–2	81045	ELEXA–4	Chitosan (128930/9012–76–4)—(4%).
81927–31	81927	ALLIGARE HEXAZINONE 75 ULW HERBICIDE.	Hexazinone (107201/51235–04–2)—(75%).
81927–62	81927	ALLIGARE FLUROXYPYR NC	Fluroxypyr 1-methylheptyl ester (128968/81406–37–3)—(45.5%).
82138–1	82138	SANI–CLEEN	Ethaneperoxoic acid (063201/79–21–0)—(5%), Hydrogen peroxide (000595/7722–84–1)—(24.01%).
82326–1	82326	D–LIMONENE TECHNICAL	D-Limonene (179701/5989–27–5)—(95%).
82691–1	82691	STAY CLEAN ADDITIVE A	Zinc oxide (088502/1314–13–2)—(100%).
82760–5	82760	BCS 3142A	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(2.5%), Glutaraldehyde (043901/111–30–8)—(14%).
82760–9	82760	BCS 3196W	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(19.3%).
83327–2	83327	Blue-Tropic 60	Sodium dichloro-s-triazinetrione (081404/2893–78–9)—(97%).
IN200007	84059	MBI–203 WDG	Chromobacterium subtsugae strain PRAA4–1T cells and spent fermentation media (016329)—(30%).
IN200008	84059	MBI–203 WDG	Chromobacterium subtsugae strain PRAA4–1T cells and spent fermentation media (016329)—(30%).
IN200009	84059	MBI–206 EP	Heat-killed Burkholderia sp strain A396 cells and spent fermentation media (006534)—(94.46%).
IN200010	84059	MBI–206 EP	Heat-killed Burkholderia sp strain A396 cells and spent fermentation media (006534)—(94.46%).
HI220001	84876	PROBLAD VERDE	BLAD (030006/)—(20%).

TABLE 3—REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2026 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
85678–99	85678	RED EAGLE PICLORAM TECHNICAL.	Picloram (005101/1918–02–1)—(95.88%).
85724–13	85724	PIXEL	Abamectin (122804/71751–41–2)—(1.9%).
85724–6	85724	SISCOP 66SC	Copper sulfate pentahydrate (024401/7758–99–8)—(21.46%).
85837–6	85837	PERAOXY PRO	Ethaneperoxoic acid (063201/79–21–0)—(15%), Hydrogen peroxide (000595/7722–84–1)—(22%).
86027–1	86027	SODIUM HYPOCHLORITE 10.8%	Sodium hypochlorite (014703/7681–52–9)—(10.8%).
86027–2	86027	SODIUM HYPOCHLORITE 10.8% MUP.	Sodium hypochlorite (014703/7681–52–9)—(10.8%).
86027–3	86027	CHLORINE	Chlorine (020501/7782–50–5)—(99.9%).
86459–1	86459	FAMILY & ACTIVE–USE PROTECTION.	Picaridin (070705/119515–38–7)—(20%).
86868–2	86868	SULFOMEX FUNGICIDE	Potassium phosphate, monobasic (076413/7778–77–0)—(31.1%), Sulfur (077501/7704–34–9)—(31.1%).
86868–3	86868	FIRST CHOICE SANCTION FUNGICIDE.	Potassium phosphate, monobasic (076413/7778–77–0)—(31.1%), Sulfur (077501/7704–34–9)—(31.1%).
86868–4	86868	FIRST CHOICE PHORTRESS FUNGICIDE.	Dipotassium phosphite (K2HPO3) (076416/13492–26–7)—(28.1%), Potassium phosphate, monobasic (076413/7778–77–0)—(40.8%).
87394–3	87394	K–L–N ROOTING CONCENTRATE	1-Naphthaleneacetic acid (056002/86–87–3)—(.1%), Indole-3-butyric acid (046701/133–32–4)—(.07%).
87394–4	87394	ROOT–GELÂ®	1-Naphthaleneacetic acid (056002/86–87–3)—(.027%), Indole-3-butyric acid (046701/133–32–4)—(.216%).
MN240001	87865	SPIN–AID HERBICIDE	Phenmedipham (098701/13684–63–4)—(15.9%).
ND240001	87865	SPIN–AID HERBICIDE	Phenmedipham (098701/13684–63–4)—(15.9%).
88228–2	88228	PUREVISTA	Sodium chlorite (020502/7758–19–2)—(28%).
88341–10	88341	PUREGUARD–5	Tri-n-butyl tetradecyl phosphonium chloride (128824/81741–28–8)—(5%).
88341–9	88341	PUREGUARD	Tri-n-butyl tetradecyl phosphonium chloride (128824/81741–28–8)—(50%).
88965–1	88965	PATHEX ANTIMICROBIAL FILTER MEDIA.	1-Octadecanaminium, N, N-dimethyl-N-[3-(trihydroxysilyl) propyl], chloride (107403/199111–50–7)—(.05%).
89046–14	89046	BIOPROTEK	Bacillus thuringiensis subspecies kurstaki, strain EVB–113–19 (006700/68038–71–1)—(14.49%).
89118–13	89118	BIFENDER FC 3.1	Bifenthrin (128825/82657–04–3)—(34%).
89248–1	89248	CLEAN + CLEAR MINERALS	Copper sulfate pentahydrate (024401/7758–99–8)—(12.375%).
89958–1	89958	BOTANICARE CLONE GEL	Indole-3-butyric acid (046701/133–32–4)—(.2%).
90316–1	90316	MAINSTREAM 635	Copper sulfate pentahydrate (024401/7758–99–8)—(21.5%).
90635–2	90635	LMN–8	Isopropyl alcohol (047501/67–63–0)—(9.9%), Potassium peroxymonosulfate (063604/10058–23–8)—(.3%), Sodium lauryl sulfate (079011/151–21–3)—(.2%), Vinegar (044001/64–19–7)—(11.1%).
91025–1	91025	AQUA–TEC	Silver (072501/7440–22–4)—(62%).
91399–2	91399	BIOTAB 7	Sodium chlorite (020502/7758–19–2)—(20%).
91681–1	91681	AIONX TECHNOLOGY	Copper as elemental (022501/7440–50–8)—(44.65%), Silver (072501/7440–22–4)—(19.18%).
91742–1	91742	SANITIZED BRAND PLA	Triclosan (054901/3380–34–5)—(99.9%).
91742–10	91742	SANITIZED TB 83–35 AF	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(.9%), Octhilinone (099901/26530–20–1)—(2.25%).
91742–2	91742	SANITIZED TB 83–35	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(.9%), Octhilinone (099901/26530–20–1)—(2.25%).
91742–4	91742	SANITIZED BRAND TH 22–27	Zinc pyrithione (088002/13463–41–7)—(15%).
92082–1	92082	2015	1-Octadecanaminium, N, N-dimethyl-N-[3-(trihydroxysilyl) propyl], chloride (107403/199111–50–7)—(.75%).
92082–2	92082	SPHINX	1-Octadecanaminium, N, N-dimethyl-N-[3-(trihydroxysilyl) propyl], chloride (107403/199111–50–7)—(.75%).
92105–1	92105	GONACON IMMUNOCONTRACEPTIVE VACCINE—EQ.	Gonadotropin Releasing Hormone (116800/9034–40–6)—(.032%).
92120–1	92120	HAZEL	1-Methylcyclopropene (224459/3100–04–7)—(3%).
92120–2	92120	HAZEL CA	1-Methylcyclopropene (224459/3100–04–7)—(2%).
92120–3	92120	HTM–01	1-Methylcyclopropene (224459/3100–04–7)—(98%).
92120–4	92120	HTM–100	1-Methylcyclopropene (224459/3100–04–7)—(3%).
92120–5	92120	HTM–CA	1-Methylcyclopropene (224459/3100–04–7)—(2%).
92120–6	92120	HAZEL 312	1-Methylcyclopropene (224459/3100–04–7)—(2%).
92120–7	92120	HAZEL 311	1-Methylcyclopropene (224459/3100–04–7)—(1%).
92120–8	92120	HAZEL 310.5	1-Methylcyclopropene (224459/3100–04–7)—(.5%).
92344–2	92344	ZINC PYRITHIONE MANUFACTURING USE.	Zinc pyrithione (088002/13463–41–7)—(98.45%).
92647–16	92647	TIGRIS SULFEN XL	Chlorimuron (128901/90982–32–4)—(7.8%), Sulfentrazone (129081/122836–35–5)—(62.2%).
92647–26	92647	TIGRIS DICAMBA DGA	Dicamba, diglycolamine salt (128931/104040–79–1)—(58.1%).
92647–28	92647	TIGRIS FLUMIOXAZIN XLT	Chlorimuron (128901/90982–32–4)—(10.3%), Flumioxazin (129034/103361–09–7)—(30%).

TABLE 3—REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2026 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
92647–8	92647	TIGRIS SULFEN FIRST	Cloransulam-methyl (129116/147150–35–4)—(7.9%), Sulfentrazone (129081/122836–35–5)—(62.1%).
92808–3	92808	KRESOXIM–METHY 50 WDG FUNGICIDE #2.	Kresoxim-methyl (129111/143390–89–0)—(50%).
AR020004	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
AZ201106	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
CA030003	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
CA060023	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
CA070006	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
CA210009	92894	GOALTENDERÂ®	Oxyfluorfen (111601/42874–03–3)—(41%).
HI020004	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
HI020005	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
HI020010	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
HI060001	92894	GOAL 2XL	Oxyfluorfen (111601/42874–03–3)—(22.3%).
HI060002	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
HI060003	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
HI070001	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
MI090003	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
MI140006	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
MI200002	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
MI200003	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
NC020001	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
NY090002	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
OR020027	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
OR050028	92894	GOAL 2XL	Oxyfluorfen (111601/42874–03–3)—(22.3%).
SC000002	92894	GOAL 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(23%).
SC970001	92894	GOAL (R) 2XL HERBICIDE	Oxyfluorfen (111601/42874–03–3)—(22.3%).
TX080017	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
TX100016	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
TX210002	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
TX210003	92894	GOALTENDER	Oxyfluorfen (111601/42874–03–3)—(41%).
93257–1	93257	THYDRA	Trichoderma harzianum strain T78 (119289/)—(.35%).
93257–2	93257	PHOEMYC+	Beauveria bassiana strain 203 (128809/)—(1%).
93349–1	93349	OMNI PRO ARMOR CPE 1318–I MASTER BATCH.	Alkyl* dimethyl benzyl ammonium chloride *(95%C14, 3%C12, 2%C16) (069184/68424–85–1)—(22.8%).
93728–2	93728	AURA–D(TM) CARTRIDGE	Hydrogen peroxide (000595/7722–84–1)—(50%).
93809–7	93809	AXILL SOLUTIONS TRI NEX 11.3 ME.	Trinexapac-ethyl (112602/95266–40–3)—(11.3%).
94473–3	94473	CROPCOAT CX1098	Linseed oil (031603/8001–26–1)—(54%).
94523–2	94523	BEAR SHIELD	Resins, oleo-, capsicum (070704/8023–77–6)—(2%).
94610–1	94610	CONCENTRIC SS	Complex Polymeric Polyhydroxy Acids (CPPA) (078503/1175006–56–0)—(.108%), Cytokinin (as kinetin) (116801/525–79–1)—(.004%).
95158–1	95158	PROTECTEAV	Ethanol (001501/64–17–5)—(64.3%).
95596–1	95596	TECHNICAL DIFLUBENZURON	Diflubenzuron (108201/35367–38–5)—(97.46%).
95993–2	95993	GREENEEM NEEM OIL MP	Cold Pressed Neem Oil (025006/8002–65–1)—(100%).
96420–1	96420	SWEET CAREFOR ALCOHOL WIPES.	Ethanol (001501/64–17–5)—(68.8%).
96776–2	96776	WEED OUT	Nonanoic acid (217500/112–05–0)—(1%).
100828–1	100828	DEFEND MUP(TM)	Bifenthrin (128825/82657–04–3)—(10%).
100914–3	100914	CG NEEM MFG	Cold Pressed Neem Oil (025006/8002–65–1)—(100%).
101607–1	101607	BYE BYE SKEETER	Picaridin (070705/119515–38–7)—(20%).
102233–1	102233	AM200	Silver Ion (Ag1+) (072500/14701–21–4)—(4.45%), Zinc ion (128015/23713–49–7)—(.53%).
102233–2	102233	AM30	Silver ion (072500/14701–21–4)—(4.81%), Zinc ion (128015/23713–49–7)—(.57%).
102280–1	102280	SITOFEX PLANT GROWTH REGULATOR.	Forchlorfenuron (128819/68157–60–8)—(.8%).
102563–1	102563	CLETHODIM 2 EC HERBICIDE	Clethodim (121011/99129–21–2)—(26.4%).
102563–2	102563	REBOUND FUNGICIDE	Azoxystrobin (128810/131860–33–8)—(11%), Tebuconazole (128997/107534–96–3)—(18.35%).
103862–10	103862	AGRORA ABAMECTIN TECHNICAL	Abamectin (122804/71751–41–2)—(97.6%).
103862–2	103862	AGRORA DICAMBA TECHNICAL	Dicamba (029801/1918–00–9)—(98%).
103862–3	103862	AGRORA SULFENTRAZONE TECHNICAL.	Sulfentrazone (129081/122836–35–5)—(91%).
103862–4	103862	AGRORA ETHEPHON TECHNICAL	Ethephon (099801/16672–87–0)—(75%).
103862–9	103862	AGRORA TEBUCONAZOLE TECHNICAL.	Tebuconazole (128997/107534–96–3)—(98.6%).
104091–1	104091	BORICX	Boric acid (011001/10043–35–3)—(100%).
104745–4	104745	PH3 ALUMINUM PHOSPHIDE FUMIGANT BAGS.	Aluminum phosphide (066501/20859–73–8)—(60%).
104745–6	104745	MAX KILL VAPO–CIDE 2	DDVP (084001/62–73–7)—(5%).

Table 4 of this unit includes the names and addresses of record for all registrants of the products in Table 3, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 4—REGISTRANTS OF REGISTRATIONS CANCELLED FOR NON-RESPONSE/PAYMENT OF 2026 MAINTENANCE FEE

Company No.	Company name and address
3	LEWIS & HARRISON, LLC Agent for: P.F. HARRIS MANUFACTURING COMPANY, LLC, 2461 S CLARK STREET, SUITE 710, ARLINGTON, VA 22202.
1769	NCH CORP, 2727 CHEMSEARCH BLVD., IRVING, TX 75062.
2568	JOTUN PAINTS, INC., 16223 PARK ROW DRIVE, SUITE 120, HOUSTON, TX 77084.
2693	INTERNATIONAL PAINT LLC, 6001 ANTOINE DRIVE, HOUSTON, TX 77091.
2724	WELLMARK INTERNATIONAL, 1501 E WOODFIELD ROAD, SUITE 200, WEST SCHAUMBURG, IL 60173.
5383	TROY CORPORATION Agent for: TROY CHEMICAL CORPORATION, 8 VREELAND ROAD, FLORHAM PARK, NJ 07932.
7946	SCIREG, INC. Agent for: J. J. MAUGET CO., 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
8419	THE ANDERSONS, INC., PO BOX 119, MAUMEE, OH 43537.
8622	ICL-IP AMERICA, INC., 11636 HUNTINGTON ROAD, GALLIPOLIS FERRY, WV 25515.
8764	JBT MAREL CORPORATION, 1660 IOWA AVE., SUITE 100, RIVERSIDE, CA 92507.
9078	PROTRITION FEED, 180 OLD NASHVILLE HWY., LA VERGNE, TN 37086.
9374	LIVESTOCK NUTRITION CENTER, LLC, 409 SHEPPARD ST., CHICKASHA, OK 73018.
9779	WINFIELD SOLUTIONS, LLC, PO BOX 64589, ST PAUL, MN 55164–0589.
10088	ATHEA LABORATORIES INC, PO BOX 240014, MILWAUKEE, WI 53224.
12446	ZECO LLC., D/B/A ZEE COMPANY, 3401 CUMMINGS ROAD, CHATTANOOGA, TN 37419.
23566	INTERNATIONAL PAINT LLC, 6001 ANTOINE DRIVE, HOUSTON, TX 77091.
29909	ADAMS TECHNOLOGY SYSTEMS Agent for: WHITEBRIDGE PET BRANDS, LLC, 5145 FOREST RUN TRACE—SUITE B, ALPHARETTA, GA 30022–4504.
32258	SMITHERS-OASIS COMPANY, D/B/A FLORALIFE, 751 THUNDERBOLT DRIVE, WALTERBORO, SC 29488.
34688	NOURYON SURFACE CHEMISTRY LLC, 100 MATSONFORD ROAD, BUILDING 5, RADNOR, PA 19087.
36272	MYSTIC CHEMICAL PRODUCTS, 4510 WEST 160TH ST., CLEVELAND, OH 44135.
36736	ARC SPECIALTY PRODUCTS, BALCHEM CORPORATION, ATTN: KRISTINE V. LUKASIK, 5 PARAGON DRIVE, SUITE 201, MONTVALE, NJ 07645.
37549	TECHNOLOGY SCIENCES GROUP INC. Agent for: MEDLINE INDUSTRIES, LP, 1150 18TH STREET NW, SUITE 1000, WASHINGTON, DC 20036.
37589	BESTECH, INC., 442 SOUTH DIXIE HWY., EAST POMPANO BEACH, FL 33060.
39352	WASHBURN & SONS, 807 CENTER STREET, RIVERSIDE, CA 92507.
42182	SCIENTIFIC & REGULATORY CONSULTANTS, INC. Agent for: MICROBAN PRODUCTS COMPANY, 201 W VAN BUREN STREET, COLUMBIA CITY, IN 46725.
44891	KRK CONSULTING LLC Agent for: NEW NAUTICAL COATINGS INC, 652 WALL RD., WADSWORTH, OH 44281.
45337	SCIREG, INC. Agent for: UNITED CHEMICAL CORP., 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
46043	SUNCOAST CHEMICALS CO, 6385 150TH AVENUE, NORTH CLEARWATER, FL 33760.
46149	M&R DURANGO, INC, PO BOX 886, BAYFIELD, CO 81122.
49911	R H C REGULATORY CONSULTING, LLC Agent for: SUMITOMO CORPORATION OF AMERICAS, 834 HARDY RD., MARTIN, GA 30557.
53026	B & B CHLORINATION CO., PO BOX 246, ALBERT CITY, IA 50510.
53053	SCIENTIFIC & REGULATORY CONSULTANTS, INC. Agent for: NOVALENT, LTD 210 W VAN BUREN ST., COLUMBIA CITY, IN 46725.
53575	BOLAN CONSULTING Agent for: PACIFIC BIOCONTROL CORPORATION, 575 VIEWRIDGE DRIVE, ANGWIN, CA 94508.
55487	B'S POOL SUPPLIES, 1691 CONTAINER CIRCLE, RIVERSIDE, CA 92509.
56228	U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, 5601 SUNNYSIDE AVENUE, BELTSVILLE, MD 20705.
56601	TOXCEL, LLC Agent for: PPG INDUSTRIES, INC., 7140 HERITAGE VILLAGE PLAZA, GAINESVILLE, VA 20155.
56907	NORTH CAROLINA DEPT OF AG & CONSUMER SERVICE, PLANT INDUSTRY DIVISION, 1060 MAIL SERVICE CENTER, RALEIGH, NC 27699–1060.
56984	CALIFORNIA DEPT. OF PUBLIC HEALTH, DC/VECTOR-BORNE DISEASE SECT/MS 7307, PO BOX 997377, SACRAMENTO, CA 95899–7377.
57787	TSG CONSULTING Agent for: HAVILAND CONSUMER PRODUCTS, INC. 1150 18TH STREET NW—SUITE 1000, WASHINGTON, DC 20036.
58190	ALLTECH, INC. ATTN: REGULATORY DEPARTMENT, 3031 CATNIP HILL ROAD, NICHOLASVILLE, KY 40356.
62097	FINE AMERICAS, INC. Agent for: FINE AGROCHEMICALS, LTD, 1850 MT DIABLO BLVD., #405, WALNUT CREEK, CA 94596.
63310	HORTUS USA CORP., 245 WEST 24TH STREET, NEW YORK, NY 10011.
63761	LEWIS & HARRISON, LLC Agent for: STERILEX LLC, D/B/A STERILEX, 2461 SOUTH CLARK STREET, SUITE 710, ARLINGTON, VA 22202.
64137	DANSTAR FERMENT AG/LALLEMAND PLANT CARE Agent for: DANSTAR FERMENT AG/LALLEMAND PLANT, CA, PO BOX 990, HAILEY, ID 83333.
65692	DELTA ANALYTICAL CORPORATION Agent for: HAWKINS, INC., 12510 PROSPERITY DRIVE, SUITE 160, SILVER SPRING, MD 20904.
67505	EXPONENT, INC. Agent for: ECTO DEVELOPMENT CORPORATION, 1150 CONN. AVE. NW, SUITE 1100, WASHINGTON, DC 20036.
67751	OMG MEADOWFOAM OIL SEED GROWERS, PO BOX 4306, SALEM, OR 97302.
67979	SYNGENTA SEEDS, LLC—FIELD CROPS—NAFTA, 9 DAVIS DRIVE, RESEARCH TRIANGLE PARK, NC 27709.
68362	BUGS ETC., INC., 5751 #3 OLEANDER DRIVE, WILMINGTON, NC 28403.
68868	GALAXY SURFACTANTS AMERICAS INC, 2 STEWART COURT, DENVILLE, NJ 07834.
69361	MANDAVA ASSOCIATES, LLC Agent for: REPAR CORP, 1050 CONNECTICUT AVE. NW, SUITE 500, WASHINGTON, DC 20036.

TABLE 4—REGISTRANTS OF REGISTRATIONS CANCELLED FOR NON-RESPONSE/PAYMENT OF 2026 MAINTENANCE FEE—Continued

Company No.	Company name and address
69972	LEWIS & HARRISON, LLC Agent for: ONCORE TECHNOLOGY, LLC, 2461 SOUTH CLARK STREET, SUITE 710, ARLINGTON, VA 22202.
70053	TMA/CHEMNET SYSTEMS, 2335 BUTTERMILK CROSSING, SUITE 308, CRESCENT SPRINGS, KY 41017.
70925	CHEMCOR CHEMICAL CORPORATION, 13770 BENSON AVE., CHINO, CA 91710.
71910	THERMACELL REPELLENTS, INCORPORATED, 32 CROSBY DRIVE, BEDFORD, MA 01730.
72500	SCIMETRICS LTD. CORPORATION, PO BOX 1045, WELLINGTON, CO 80549–1045.
72804	REG GUIDE Agent for: ULTRASOL INDUSTRIES LIMITED, 509 TOWER VALLEY DRIVE, HILLSBORO, MO 63050.
73103	SPRING REGULATORY SCIENCES Agent for: DAIRY SOLUTIONS, INC., 6620 CYPRESSWOOD DR., SUITE 250, SPRING, TX 77379.
73748	HAEJO HWANG Agent for: VESERIS, 5906 BAILEY SPRINGS CT., KATHY, TX 77450.
73771	VERDESIAN LIFE SCIENCES U.S., LLC D/B/A VERDESIAN LIFE SCIENCES, 1001 WINSTEAD DRIVE—SUITE 480, CARY, NC 27513.
75199	DELTA ANALYTICAL CORPORATION Agent for: JERSEY STATION, 12510 PROSPERITY DRIVE, SUITE 160, SILVER SPRING, MD 20904.
75341	OSMOSE UTILITIES SERVICES, INC., 635 HWY. 74, S PEACHTREE CITY, GA 30269.
75499	PLANT SYNERGISTS, INC. 6221 WARRINGTON PL., FORT WORTH, TX 76112.
75652	SCIREG, INC. Agent for: CALUMET REFINING, LLC, 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
75710	NOD APIARY PRODUCTS USA INC, 8345 NW 66TH STREET #8418, MIAMI, FL 33166–2626.
81045	PLANT DEFENSE BOOSTERS, INC., 280 FLINT COURT, SOUTH YARDLEY, PA 19067.
81927	PYXIS REGULATORY CONSULTING, INC. Agent for: ALLIGARE, LLC, 535 DOCK STREET, SUITE 211, TACOMA, WA 98402.
82138	DELTA ANALYTICAL CORP Agent for: FLOCHEM, LTD., 12510 PROSPERITY DRIVE, SUITE 160, SILVER SPRING, MD 20904.
82326	FLORIDA CHEMICAL COMPANY, LLC, 351 BERT SCHULZ BLVD., NE WINTER HAVEN, FL 33881–9432.
82691	AS AMERICA, INC., PO BOX 6820 PISCATAWAY, NJ 08855.
82760	BULK CHEMICAL SERVICES, LLC, 1355 TERRELL MILL RD.; BLDG 1462–150, MARIETTA, GA 30067.
83222	WINFIELD SOLUTIONS, LLC, PO BOX 64589, ST. PAUL, MN 55164.
83327	SCIENTIFIC & REGULATORY CONSULTANTS, INC. Agent for: WATER SOLUTIONS UNLIMITED, INC., 201 W VAN BUREN, COLUMBIA CITY, IN 46725.
84059	PRO FARM GROUP, INC., 1530 DREW AVE., DAVIS, CA 95618.
84876	CERES INTERNATIONAL LLC Agent for: CEV, S.A., 1087 HEARTSEASE DRIVE, WEST CHESTER, PA 19382.
85678	WAGNER REGULATORY ASSOCIATES, INC. Agent for: REDEAGLE INTERNATIONAL LLC, PO BOX 640, HOCKESSIN, DE 19707.
85724	LANDIS INTERNATIONAL, INC. Agent for: AAKO B.V., PO BOX 5126, VALDOSTA, GA 31603–5126.
85837	KELLER AND HECKMAN, LLP Agent for: INNOVASOURCE, LLC, 1001 G STREET NW, SUITE 500 WEST, WASHINGTON, DC 20001.
86027	BRENNTAG NORTH AMERICA Agent for: BRENNTAG CANADA, INC, 5083 POTTSVILLE PIKE, READING, PA 19605.
86459	GKS INTERNATIONAL, LLC Agent for: NEW HAVEN BRANDS CORP., 27405 BIRCH COURT, SANTA CLARITA, CA 91350.
86868	R3 AG CONSULTING, LLC Agent for: OMEX AGRIFLUIDS, INC., 1823 SHAW AVENUE, SUITE 103, CLOVIS, CA 93611.
87394	ENVIRONMENTAL SOLUTIONS GROUP, LLC Agent for: DYNA-GRO, 5150 FAIR OAKS BLVD., SUITE 101 #319, CARMICHAEL, CA 95608–5758.
87865	BELCHIM CROP PROTECTION US CORPORATION, 225 WILMINGTON WEST CHESTER PIKE, SUITE 200, CHADDS FORD, PA 19317.
88228	SHERRI GRAY ENVIRONMENTAL CONSULTING, LLC Agent for: STERLING BRIDGE, LLC, 15616 PLAIN DEALING PLACE, MANASSAS, VA 20112.
88341	SHERRI GRAY ENVIRONMENTAL CONSULTING, LLC Agent for: T.A. COMB, LLC, 15616 PLAIN DEALING PLACE, MANASSAS, VA 20112.
88965	TOXCEL, LLC Agent for: AS FILTRATION, LLC, 7140 HERITAGE VILLAGE PLAZA, GAINESVILLE, VA 20155.
89046	SCIREG, INC. Agent for: AEF GLOBAL INC., 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
89118	VIVE CROP PROTECTION, INC. Agent for: VIVE CROP PROTECTION, INC., 500 WESTOVER DR. 10198, SANFORD, NC 27330.
89248	LEWIS & HARRISON, LLC Agent for: C-POOL MINERALS, INC, 2461 SOUTH CLARK STREET, SUITE 710, ARLINGTON, VA 22202.
89958	PYXIS REGULATORY CONSULTING, INC Agent for: AMERICAN AGRITECH, LLC, 4110 1136TH ST. NW, GIG HARBOR, WA 98332.
90316	MAINSTREAM LLC 3043 SULLIVAN STREET, WEST LAFAYETTE, IN 47906–1245.
90635	NEXT SCIENCE, LLC, 10550 DEERWOOD PARK BOULEVARD, SUITE 300, JACKSONVILLE, FL 32256.
91025	ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP Agent for: SILVERSAN AG, 865 SOUTH FIGUEROA STREET, SUITE 2800, LOS ANGELES, CA 90017–2543.
91399	SPRING REGULATORY SCIENCES Agent for: ADVANCED BIOCIDE TECHNOLOGIES INC., 6620 CYPRESSWOOD DR., SUITE 250, SPRING, TX 77379.
91681	SCIENTIFIC & REGULATORY CONSULTANTS, INC. Agent for: AIONX ANTIMICROBIAL TECHNOLOGIES, INC., 201 W VAN BUREN STREET, COLUMBIA CITY, IN 46725.
91742	DELTA ANALYTICAL CORPORATION Agent for: SANITIZED (USA) INC., 12510 PROSPERITY DRIVE, SUITE 160, SILVER SPRING, MD 20904.
91861	BONAKEMI USA INC. (DBA BONA US), 24 INVERNESS PLACE, EAST ENGLEWOOD, CO 80112.
92082	SCIENTIFIC & REGULATORY CONSULTANTS, INC. Agent for: SRFC BIO, INC., 201 W VAN BUREN STREET, COLUMBIA CITY, IN 46725.
92105	SPAY FIRST INC., PO BOX 20493, OKLAHOMA CITY, OK 73149.

TABLE 4—REGISTRANTS OF REGISTRATIONS CANCELLED FOR NON-RESPONSE/PAYMENT OF 2026 MAINTENANCE FEE—Continued

Company No.	Company name and address
92120	EXPONENT, INC Agent for: HAZEL TECHNOLOGIES, INC., 1150 CONNECTICUT AVE NW, STE 1100, WASHINGTON, DC 20036.
92344	SCIREG, INC. Agent for: JUBILANT INGREVIA (USA) INC., 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
92428	WAGNER REGULATORY ASSOCIATES INC. Agent for: YANCHENG HUIHUANG CHEMICAL CO. LTD., PO BOX 640, HOCKESSIN, DE 19707.
92647	SCIREG, INC. Agent for: TIGRIS, LLC, 12733 DIRECTOR'S LOOP, WOODBRIDGE, VA 22192.
92808	SOURCE DYNAMIC LLC Agent for: ORION SSD, LLC, 340 W 32ND STREET 383, YUMA, AZ 85364–8128.
92894	PYXIS REGULATORY CONSULTING, INC. Agent for: NUTRICHEM USA, INC., 535 DOCK STREET, SUITE 211, TACOMA, WA 98402.
93257	DELTA ANALYTICAL CORPORATION Agent for: SYMBORG, INC, 12510 PROSPERITY DRIVE, SUITE 160, SILVER SPRING, MD 20904.
93349	LEWIS & HARRISON LLC Agent for: OMNI PROTECTION LLC, 2461 SOUTH CLARK STREET, SUITE 710, ARLINGTON, VA 22202.
93728	STERIFRE MEDICAL, INC, 14925 59TH PL. NE, KENMORE, WA 98028.
93809	PYXIS REGULATORY CONSULTING, INC. Agent for: AXILL SOLUTIONS, LLC, 535 DOCK STREET, SUITE 211, TACOMA, WA 98402.
94473	PYXIS REGULATORY CONSULTING INC Agent for: CROP ENHANCEMENT, INC., 535 DOCK ST., STE. 211, TACOMA, WA 98402.
94523	DECERNIS LLC Agent for: GUARDIAN PROTECTIVE DEVICES, 2101 GAITHER ROAD, SUITE 150, ROCKVILLE, MD 20850.
94610	CONCENTRIC AG CORPORATION, 7304 SOUTH JOLIET STREET, SUITE 200, CENTENNIAL, CO 80112.
95158	SCIENTIFIC & REGULATORY CONSULTANTS, INC Agent for: CAMELLIX, LLC, 201 W VAN BUREN ST., COLUMBIA CITY, IN 46725.
95596	PYXIS REGULATORY CONSULTING, INC. Agent for: YASHNEE AGROCHEMICALS INDIA PRIVATE LIM, 535 DOCK STREET, SUITE 211, TACOMA, WA 98402.
95993	ADVANCE HORTICULTURAL SOLUTIONS Agent for: GREENEEM AGRI (P) LTD., 503 WASHINGTON AVENUE, SUITE 333, CHESTERTOWN, MD 21620.
96420	REACH24H USA INC. Agent for: IMPERIAL PALACE COMMODITY (DONGGUAN) CO, 11921 FREEDOM DRIVE, SUITE 550, RESTON, VA 20190.
96776	SRS INTERNATIONAL CORPORATION Agent for: PERFORMANCE CHEMICALS LLC, 700 S UNION STREET, ALEXANDER, VA 22314.
100828	Rivulis Irrigation, Inc. 7545 Carroll Rd., San Diego, CA 92121.
100914	Carillon Green Inc., 5121 Ehrlich Rd., Ste. 104A, Tampa, FL 33624.
101607	The Bye Bye Company, 12907 Lemur Lane, Cypress, TX 77429.
102233	ZeoVation, Inc., 11100 ENDEAVOR CT., SUITE 133, MANASSAS, VA 20109.
102280	REGULATORY PROJECT MANAGEMENT, LLC Agent for: ALZCHEM LLC, 2856 GIRARD DRIVE, SUMTER, SC 29154.
102474	REACH24H USA INC. Agent for: LIAONING ZHONGHUI BIOTECHNOLOGY CO., LT, 11921 Freedom Drive, Suite 550, Reston, VA 20190.
102563	GRANITE RIDGE CONSULTING Agent for: AGROSHIELD, 6217 E 77TH PLACE, TULSA, OK 74136.
103862	Solito Sumulong Agent for: Agrora Pte Ltd, 11125 North Ambassador Drive, Suite 120, Kansas City, MO 64153.
104091	Ecoxall/DBA—Pure Chemistry 7276 Driftwood Dr., N Fenton, MI 48430.
104745	TECHNOLOGIES SCIENCES GROUP, INC. Agent for: DOUGLAS PRODUCTION TECHNOLOGIES, LLC 1150 18TH STREET NW, SUITE 475, WASHINGTON, DC 20036.

III. Summary of Public Comments Received and Agency Response to Comments

As indicated in Unit I.C., EPA did receive comments in response to the notice of receipt that was published in the **Federal Register** of June 25, 2026, including comments from some registrants to reflect the voluntary nature of their product cancelations, with requests to move their products to Table 1. Accordingly, EPA has moved those products from Table 3 to Table 1 and the company names and addresses from Table 4 to Table 2.

Additionally, EPA received an anonymous comment requesting that EPA not cancel the registrations listed in the June 25, 2026, notice. However, none of the reasons listed in that comment would preclude cancellation pursuant to FIFRA Sections 4(i) or 6(f).

IV. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States, and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. until January 15, 2027. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1 of Unit II., except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. People other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: November 4, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2026–23117 Filed 11–12–26; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK OF THE UNITED STATES

[Docket No. XXXXXXXX]

Receipt of Request(s) To Increase the Amount of the Long-Term General Guarantee on the Interest of Secured Notes Issued by the Private Export Funding Corporation (PEFCO)

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public that Export-Import Bank of the United States (''EXIM'') is expected to consider one or more requests to increase the amount of the long-term general guarantee on the interest of Secured Notes issued by the Private Export Funding Corporation (PEFCO). Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to any final action during the fiscal year ending on September 30, 2027.

DATES: Comments must be received on or before December 8, 2026 to be assured of consideration before any final decision on one or more additional guarantees during the course of Fiscal Year 2027.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *WWW.REGULATIONS.GOV.* To submit a comment, enter [Docket No. XXXXXX] under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any), and [Docket No. XXXXXX] on any attached document.

Reference: AP003048AA.

Brief Description of Nature and Purpose of the Facility: EXIM may consider one or more general guarantees on the interest of Secured Notes issued by the Private Export Funding Corporation (PEFCO), in accordance with both the Guarantee and Credit Agreement, as Amended, and the Guarantee Agreement between EXIM and PEFCO. The purpose of the guarantee(s) of interest on the Secured Notes is to facilitate private funding from the U.S. capital markets for EXIM-guaranteed export finance transactions.

Total Amount of Guarantees: The exact number is not determinable due to market-determined pricing and uncertainty as to the amount and timing of Secured Notes to be issued; however, it could potentially be in excess of $100 million for Secured Notes issued during the course of Fiscal Year 2027.

Reasons for the Facility and Methods of Operation: The general guarantee serves to guarantee interest on PEFCO's issuance of Secured Notes. The principal amount of the Secured Notes is secured by a collateral pool of U.S. government-risk debt and securities, including EXIM-guaranteed loans. The proceeds from the Secured Notes are used to fund additional EXIM-guaranteed loans and provide a liquid secondary market for EXIM-guaranteed loans.

Party Requesting Guarantee: Private Export Funding Corporation (PEFCO).

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *https://www.exim.gov/news/meeting-minutes.*

Dated: October 30, 2026.

Signed:

Paxton Stephan,

Acting Deputy Senior Vice President, Office of Policy Analysis and International Relations.

[FR Doc. 2026–23085 Filed 11–12–26; 8:45 am]

BILLING CODE 6690–01–P

EXPORT–IMPORT BANK OF THE UNITED STATES

[Docket No. XXXXXXXX]

Intent To Conduct a Detailed Economic Impact Analysis

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This notice is to inform the public that the Export-Import Bank of the United States has received an application for a $3,775,000,000 direct loan or guarantee to support the export of approximately $2,250,000,000 worth of U.S. equipment and services to expand an integrated liquified natural gas, or LNG, project in Papua New Guinea. The difference between the amount of the loan or guarantee involved and the U.S. content is exclusively financing costs directly supporting the U.S. exports. The U.S. goods and services will be used to produce an additional 4.0 million metric tons per annum of liquified natural gas. The produced liquified natural gas is anticipated to be consumed in the Asia-Pacific market.

DATES: Comments are due 14 days from publication in the **Federal Register**.

ADDRESSES: Interested parties may submit comments on this transaction electronically at *www.regulations.gov,* or by email to *economic.impact@exim.gov.*

Dated: November 2, 2026.

Paxton Stephan,

Acting Deputy Senior Vice President, Office of Policy Analysis and International Relations.

[FR Doc. 2026–23087 Filed 11–12–26; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company; Correction

AGENCY: Federal Reserve System.

ACTION: Notice; correction.

SUMMARY: The Federal Reserve System published a document in the **Federal Register** of June 29, 2026, concerning the list of notificants who applied under the Change in Bank Control Act to acquire shares of a bank or bank holding company. The document contained incorrect information under paragraph B.1.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 29, 2026, in FR Doc. 2026–13067, on page 39100, in the second and third column, and on page 39101, in the first column, correct paragraph B.1 to read:

1. *2024 Voting Agreement of BankGuam Holding Company (''2024 Voting Agreement'') and Joaquin P. L. G. Cook, Hagatna, Guam, as manager, along with the following current parties to the Voting Agreement: Eugenia A Leon Guerrero TRS Jesus S Leon Guerrero Family Trust UA DTD 12/14/00, co-trustees: Lourdes A. Leon Guerrero, Jesse A. Leon Guerrero, and Maria Eugenia H. Leon Guerrero, all of Hagatna, Guam; Eugenia A Leon Guerrero, Hagatna, Guam; Lourdes A. Leon Guerrero, Hagatna, Guam; Lourdes A. Leon Guerrero and Jeffrey Cook, Hagatna, Guam; Lourdes A. Leon Guerrero and Jeffrey Cook F/R Mariana Cook, Hagatna, Guam; Joaquin P.LG Cook by Jeffrey Cook and Lourdes Leon Guerrero, Hagatna, Guam; Joaquin Philip LG Cook by Jeffrey Cook, Hagatna, Guam; Jeffrey Cook and Lourdes Leon Guerrero T/F Joaquin LG Cook, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for Ana-Lourdes S. Cook, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for a minor child 1 UGMA GU, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for minor child 2 UGMA GU, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for minor child 3 UTMA GU, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for minor child 4 UTMA GU, Hagatna,*

Guam; Lourdes A. Leon Guerrero custodian for minor child 5 UGMA GU, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for minor child 6 UTMA GU, Hagatna, Guam; Lourdes A. Leon Guerrero custodian for minor child 7 UGMA GU, Hagatna, Guam; Maria Flor Herrero, Santa Rita, Guam; Lorea Industries, Santa Rita, Guam; Maria Flor Herrero and Elena H Garmendia, Jt Ten, Santa Rita, Guam; Maria Flor Herrero and Gorka H. Garmendia, Jt. Ten, Santa Rita, Guam; Maria Flor Herrero and Miren H. Garmendia, Jt Ten, Santa Rita, Guam; Alexandra Herrero Leon Guerrero custodian minor child 1 UTMA CA, Piti, Guam; Alexandra Herrero Leon Guerrero custodian minor child 2 UGMA GU, Piti, Guam; Alexandra Herrero Leon Guerrero custodian a minor child 3 UGMA GU, Piti, Guam; Jesus Anthony Asier H Leon Guerrero, Chula Vista, California; Jesus Anthony Asier H Leon Guerrero custodian minor child 1 UTMA CA, Chula Vista, California; Joaquin PLG Cook, Hagatna, Guam; Joaquin PLG Cook custodian for Ana Lourdes S. Cook UGMA GU, Hagatna, Guam; Joaquin PLG Cook custodian for minor child 1 UGMA GU, Hagatna, Guam; Joaquin P LG Cook custodian for minor child 2 UMGA GU, Hagatna, Guam; Joaquin P LG Cook custodian for minor child 3 UMGA GU, Hagatna, Guam; Maria Eugenia H Leon Guerrero, Yona, Guam; Maria Eugenia H Leon Guerrero custodian minor child 1 UTMA GU, Yona, Guam; Maria Eugenia H Leon Guerrero custodian minor child 2 UTMA GU, Yona, Guam; Pedro Perez Ada and Jennifer M A Ada Trustees for the SNJ Ada Family Trust, Hagatna, Guam; Carla Perez Ada, Sausalito, California; Frances Perez Ada Purviance, El Dorado Hills, California; Maria Ada Bonnie TR UA 09/02/2025 Maria Ada Bonnie Trust, Minneapolis, Minnesota, Maria Ada Bonnie, as trustee; Patricia Perez Ada TR UA 09/28/2001 Patricia P. Ada Separate Property Trust, Patricia P. Ada, as trustee, Tamuning, Guam; David Joseph John & Teresa Ada John TR UA 08/21/2019 John Family Living Trust, David Joseph John and Teresa Ada John, as co-trustees, Hagatna, Guam; William D. Leon Guerrero, Zita T. Leon Guerrero, and Shawn Leon Guerrero, Hagatna, Guam; William D. Leon Guerrero, Zita T. Leon Guerrero, and Jacob Leon Guerrero, Hagatna, Guam; William D. Leon Guerrero, Zita T. Leon Guerrero, and Rodney Leon Guerrero, Hagatna, Guam; William D. Leon Guerrero, Zita T. Leon Guerrero, and Jessica LG Diaz, Hagatna, Guam; Jessica Leon Guerrero Diaz, Hagatna, Guam; Ralph Guerrero Sablan TR UA 12/14/2016 Ralph Guerrero Sablan and Maryanne Gutierrez Sablan Living Trust, Hagatna, Guam, Mark J. Sablan and Ralph Gregory Sablan, as co-trustees, Hagatna, Guam; Ralph Gregory Sablan, Las Vegas Nevada; Rebecca S Mann, Columbia, South Carolina; Michelle M Sablan, Las Vegas, Neveda; Mark J. Sablan, Hagatna, Guam; Mark J. Sablan and Caroline H. Sablan, Hagatna, Guam; Caroline H. Sablan, Hagatna, Guam; Luis G Camacho and Cynthia L Camacho TR UA 03/20/09 Luis and Cynthia Camacho Living Trust, Hagatna, Guam, Cynthia L. Camacho, as trustee, Hagatna, Guam; Richard Camacho, Hagatna, Guam; Anthony Camacho, Hagatna, Guam; Keven F Camacho, Hagatna, Guam; Vincent Leon Guerrero, Mangilao, Guam; Vincent A Leon Guerrero and Machelle A C Leon Guerrero Jt Ten, Mangilao, Guam; Thomas E Borja EX EST Martin D. Leon Guerrero, Hagatna, Guam; Dominica G.P. Leon Guerrero, Hagatna, Guam; Martin Perez Leon Guerrero, Hagatna, Guam; Agnes Leon Guerrero Winters, Camarillo, California; Tyler Reece Leon Guerrero Winters, Camarillo, California; as a group acting in concert to acquire additional voting shares of BankGuam Holding Company, and thereby indirectly acquire additional voting shares of Bank of Guam, both of Hagatna, Guam.

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Secretary of the Board.

[FR Doc. 2026–23147 Filed 11–12–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: November 19, 2026 at 11:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 466 953 18#; or via web: *https://www.frtib.gov/*.

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the October 27, 2026, Board Meeting Minutes
2. Monthly Reports
   (a) Participant Report
   (b) Investment Report
   (c) Legislative Report
3. Quarterly Reports
   (d) Metrics
4. Enterprise Risk Management Update

Closed Session

5. Information Covered under 5 U.S.C. 552b (c)(6).
   Authority: 5 U.S.C. 552b (e)(1).

Dated: November 10, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–23144 Filed 11–12–26; 8:45 am]

BILLING CODE 6760–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-CRB–2026–01; Docket No. 2026–0002; Sequence No. 09]

Office of Human Resources Management; Executive Resources (CRB), Senior Executive Service (SES) and Senior Professionals (SP) Performance Review Board (PRB) Members

AGENCY: Office of Human Resources Management (OHRM), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Notice is hereby given for the appointment of new members to the GSA FY2026 Senior Executive Service Performance Review Board. The Performance Review Board assures consistency, stability, and objectivity in the Executive performance management appraisal process.

DATES: November 13, 2026.

ADDRESSES: GSA, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Mr. Earl Adams, Director, Executive Resources Center, Office of Human Resources Management, GSA, 1900 E Street NW, Washington, DC 20415, or via telephone at (256) 617–4728.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5 U.S.C. requires each agency to establish, in accordance with regulation prescribed by the Office of Personnel Management, one or more SES performance review board(s). The board is responsible for making recommendations to the appointing and awarding authority on the performance appraisal ratings and performance awards for employees in the Senior Executive Service.

The following have been designated as members of the FY2026 Performance Review Board of GSA:

- Gregory Justice, Associate Administrator for Small and

Disadvantaged Business Utilization/Chief Acquisition Officer—PRB Chair.
- Arron Helm, Chief Human Capital Officer—PRB Executive Secretary.
- Edward (Larry) Allen, Regional Administrator.
- Elizabeth DelNegro, Associate Chief Information Officer for Corporate Information Technology (IT) Services.
- Evan Farley, Deputy Chief Financial Officer.
- Jeff Lau, Assistant Commissioner, Office of Shared Services Delivery.
- Claudia Nadig, Fiscal and Administrative Law Attorney.
- Aimee Whiteman, Assistant Commissioner, Office of Client Strategy.
- Crofton Whitfield, Assistant Commissioner, Office of Realty and Lease Acquisition.

Saul Japson,

Associate Deputy Administrator, General Services Administration.

[FR Doc. 2026–23110 Filed 11–12–26; 8:45 am]

BILLING CODE 6820–FM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2026–0892]

Order Under Sections 362 and 365 of the Public Health Service Act Continuing the Suspension of the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces it is issuing an Order under Sections 362 and 365 of the Public Health Service Act, and associated implementing regulations, continuing the suspension of the right to introduce certain persons from countries where an outbreak of a quarantinable communicable disease exists. This Order was issued on November 10 and shall remain in effect through 4:59 p.m. Eastern Standard Time (EST) on Thursday, December 10, 2026. This Order may be amended or rescinded prior to that time at the discretion of the Director.

DATES: This action took effect November 10, 2026, at 5:00 p.m. EST.

Written comments must be received on or before November 30, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0892 by either of the methods listed below. Do not submit comments by email. CDC does not accept comments by email.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mina Zadeh, Acting Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: On May 18, 2026, the Acting Director of the Centers for Disease Control and Prevention signed an Order prohibiting the introduction of certain persons who have departed from, or were otherwise present within, specified countries during the last 21 days. On May 22, 2026, the Assistant Secretary for Health (ASH), HHS, signed an Amended Order that reflected updates to 42 CFR 71.40(f), which no longer provides an exemption for lawful permanent residents (LPRs) from such orders. CDC accepted comments on both the original Order and Amended Order through June 22, 2026. On June 21, 2026, the ASH signed a new 30-day Order continuing the previous Order, without change, and provided a 15-day comment period. Subsequent new orders, each continuing the previous Order without change and responding to public comments as well as providing updates on the epidemiologic situation and status of the outbreak, were signed by the ASH on July 13, 2026, August 12, 2026, September 11, 2026, and October 11, 2026, respectively. During the comment period for the October 11, 2026, Order, CDC received eight comments, which are addressed below. With this notice, CDC is announcing the issuance of an Order that continues the suspension of the right to introduce certain persons who have departed from, or were otherwise present within, specified countries during the last 21 days. This Order is effective for a period of 30 days.

Response to Comments on Previous Order

Comment: Several commenters expressed general support for enacting evidence-based measures to prevent Ebola from entering the United States and stated their support for broad public-health powers that are tied to clear scientific criteria for when restrictions begin, narrow, and end. The commenters also recommended that CDC use a meaningful, evidence-based risk-assessment approach to travel restrictions, while recognizing uncertainty when evidence is incomplete. One commenter suggested that CDC publish all relevant data and update both data and analyses routinely. Commenters recommended that if individualized risk assessment is operationally impractical during this outbreak, CDC should explain why and continue evaluating whether targeted screening, monitoring, or narrowly defined exceptions could achieve comparable protection.

Response: Thank you for these comments. CDC recognizes that individual risk may differ among persons who have been present in a designated country or place where the quarantinable communicable disease outbreak is occurring. However, CDC also considers the public health and other resources required to implement individualized exposure assessments versus an Order issued under Sections 362 and 365 of the Public Health Service Act and the implementing regulation at 42 CFR 71.40. Whether an individual transited through a designated country or place or spent significant time in such locations does not necessarily resolve all public health considerations relevant to that person's physical presence in the designated country or place or potential exposure. Moreover, implementation of the proposed limitations based on individual exposure circumstances would be more difficult to operationalize considering the volume of travelers at issue, as well as restraints on resources and personnel in the highly fluid context of international air travel.

Based on such considerations, CDC hasdetermined thata generally applicable threshold based on whether an individual was present in a designated country or place during the relevant period is both more protective of public health and more feasible to implement. CDC does not agree that individualized exposure assessments, testing, symptom screening, or

monitoring can presently be feasibly implemented and serve as a substitute for the Order for all covered persons.

In regard to the recommendations that CDC monitor evidence and revise restrictions as indicated, CDC appreciates the comment and agrees that public health measures should be based on current epidemiological evidence and periodically reassessed as relevant conditions change. CDC will continue to evaluate the epidemiological conditions underlying the Order, the risk of international introduction of the disease, the effectiveness and availability of public health mitigation measures, and relevant information concerning implementation of the Order. If changing circumstances warrant modification of the geographic scope, covered populations, exceptions, or other provisions of the Order, CDC will consider such modifications consistent with 42 U.S.C. 265 and 42 CFR 71.40. The Order also is temporary and subject to continuing reassessment. The current Order is effective for 30 days and is intended to facilitate an ongoing public health assessment and risk profile of the outbreak. CDC continues to evaluate epidemiological conditions, the risk of importation, the effectiveness and availability of mitigation measures, and other relevant public health information in determining whether the statutory and regulatory criteria remain satisfied. If those circumstances materially change, CDC will consider whether the Order should be modified, narrowed, or discontinued.

Comment: Some of the commenters observed that the epidemiological situations described for Uganda and South Sudan are different from that of situation in the Democratic Republic of the Congo and other nations, and recommended CDC publish measurable criteria for adding and removing countries and reassess those criteria frequently, and that if a country completes the relevant surveillance period without cases, the public should be able to understand what additional evidence CDC needs before restrictions change.

Response: CDC appreciates these comments and agrees that public health measures should be based on current epidemiological evidence and periodically reassessed as relevant conditions change. CDC will continue to evaluate the epidemiological conditions underlying the Order, the risk of international introduction of the disease, the effectiveness and availability of public health mitigation measures, and relevant information concerning implementation of the Order. If changing circumstances warrant modification of the geographic scope, covered populations, exceptions, or other provisions of the Order, CDC will consider such modifications consistent with 42 U.S.C. 265 and 42 CFR 71.40.

Comment: One commenter recommended CDC also restrict travel to the United States from Somalia, Haiti, Kenya, and Ethiopia.

Response: CDC notes that there is currently no epidemiological evidence indicating that Somalia, Haiti, or Ethiopia should be included in this order. CDC continues to monitor the situation in Kenya and will impose restrictions if warranted by the epidemiological evidence.

Comment: Commenters stated concern about applying restrictions to lawful permanent residents (LPRs) and that such distinction is a political, rather than medical, distinction, and may have the potential to promote racial stereotypes. One commenter noted that flights connecting Kinshasa and Lubumbashi with major European capitals have continued operating. Despite this ongoing air travel, no Ebola cases associated with these routes have been reported in the European countries receiving these flights.

Response: CDC notes that the status of LPRs and the inclusion of LPRs in the travel restrictions imposed by the Order is outside the scope of this notice, as the removal of the categorical exemption for LPRs from Orders issued under 42 U.S.C. 265 and 42 CFR 71.40 are addressed in the rulemaking regarding 42 CFR 71.40. It is not the intent of CDC to single out U.S. LPRs as unique risks, only to limit the number of individuals arriving into the United States, thereby reducing risk to the U.S. homeland. These restrictions apply to all non-U.S. citizens and non-U.S. nationals, regardless of country or origin or background. CDC is not able to comment on prevention measures implemented by other nations.

CDC has carefully considered all public comments and determined that they did not warrant changes to the requirements of the Order issued October 11, 2026. The new Order, issued on November 10, 2026, provides updated information regarding the status of the Ebola disease outbreak and CDC response efforts and maintains the previous travel restrictions. CDC will accept comments for this Order for 15 days from the date of publication using docket CDC–2026–0892. A copy of the Order is provided below and a copy of the signed Order can be found at *https://www.cdc.gov/port-health/legal-authorities/evdorder.html*.

U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act

(42 U.S.C. 265, 268) and 42 CFR 71.40

Continuing the Suspension of the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

I. Executive Summary

The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), issues this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265 and 268, and their implementing regulations. This Order continues the suspension of the right to introduce ''covered aliens,'' as defined herein, into the United States for a period of thirty days, subject to the outcome of an ongoing comprehensive public health risk assessment. This Order is necessary to protect public health in the United States from the serious risk posed by the introduction of Ebola disease into the United States by covered aliens based on the outbreak of Ebola disease caused by the Bundibugyo virus confirmed present in the Democratic Republic of the Congo (DRC) and, until recently, in Uganda.

This Order applies to covered aliens who have departed from, or were otherwise present within, DRC, Uganda, or South Sudan during the last 21 days (regardless of their country of origin). This Order is based on an assessment of the most recently available data and current conditions regarding the Ebola disease outbreak.

This Order is time-limited and shall be in effect for 30 days from the date of issuance. This Order is intended to address the serious risk of introduction of Ebola disease into the United States, while allowing the U.S. Government to continue an ongoing assessment of the current and evolving conditions of the Ebola disease outbreak in consultation with other stakeholders.

This Order is severable from previously issued Orders under Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265 and 268, and their implementing regulations under 42 CFR part 71. Any provision of this Order held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability.

II. Authority, Scope, and Purpose

I issue this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265 and 268, and their implementing regulations under 42 CFR part 71,[1] which authorize the CDC Director to suspend the right to introduce [2] persons into the United States when the Director determines that the existence of a quarantinable communicable disease in a foreign country or place creates a serious danger of the introduction of such disease into the United States and the danger is so increased by the introduction of persons from the foreign country or place that a temporary suspension of the right of such introduction is necessary to protect public health.

This Order applies to persons who have departed from, or were otherwise present within, DRC, Uganda, and South Sudan during the last 21 days (regardless of their country of origin), including lawful permanent residents of the United States, subject to the exceptions detailed below. For purposes of this Order, I refer to persons covered by the Order as ''covered aliens.''

This Order does *not* apply to the following:

- U.S. citizens and U.S. nationals; [3]
- Members of the armed forces of the United States and associated personnel, U.S. government personnel serving overseas, associated personnel, and their spouses and children, subject to required assurances; [4]
- Persons whom customs officers determine, with approval from a supervisor, should be excepted from this Order based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. The U.S. Department of Homeland Security (DHS) will consult with CDC regarding the standards for such exceptions to help ensure consistency with current CDC guidance and public health recommendations; and
- Persons who would otherwise be subject to this Order, who are permitted to enter the United States based on an exception provisionally granted by CDC with confirmation based on a public health assessment at time of entry under a DHS-approved process documented and shared with CDC which includes appropriate public health mitigation protocols, per CDC guidance.

The purpose of this Order is twofold. First, this Order aims to continue minimizing the number of covered aliens entering the United States who have been within countries experiencing or that have recently experienced a known or suspected outbreak of Ebola disease and thereby reduce the risk of introduction of Ebola disease into the United States. Second, this Order is intended to facilitate an ongoing public health assessment and risk profile of the Ebola disease outbreak. Thirty days is the amount of time necessary for CDC to continue monitoring the situation and determine if there has been a material change to the risk of importation and whether this Order would remain in effect or requires modification. Such information will enable the CDC Director to make an informed determination regarding what restrictions are necessary going forward and provide the opportunity for the development of a comprehensive mitigation and containment plan in consultation with stakeholders.

III. Factual Basis

A. Ebola Disease

Viral hemorrhagic fever refers to a group of severe illnesses caused by certain viruses that damage the body's blood vessels and affect the ability of the blood to clot properly. Viral hemorrhagic fevers include diseases such as Ebola, Marburg, Lassa fever, and dengue hemorrhagic fever.

Bundibugyo virus disease (BVD) is a severe and often fatal illness caused by one of the viruses in the Ebola family. Ebola disease outbreaks occur mainly in parts of sub-Saharan Africa and can spread rapidly in communities with limited healthcare resources. Ebola disease caused by the Bundibugyo virus is a rare form of Ebola first identified during an outbreak in Bundibugyo District, Uganda, in 2007. Bundibugyo virus is one of several species within the orthoebolavirus family and causes symptoms similar to other forms of Ebola, including fever, weakness, vomiting, diarrhea, and, in severe cases, hemorrhagic complications and organ failure. The disease spreads through direct contact with infected bodily fluids or contaminated materials.

The incubation period for Ebola disease caused by the Bundibugyo virus is typically between 2 and 21 days, with most people developing symptoms within 4 to 10 days after exposure. During this incubation period, infected persons do not spread the virus until symptoms begin.

Screening for Bundibugyo virus disease focuses on identifying symptoms and possible exposure history, such as recent travel to affected areas or contact with infected aliens. Suspected patients are evaluated for symptoms including fever, weakness, vomiting, diarrhea, and bleeding, and laboratory confirmation is performed using specialized tests such as PCR (polymerase chain reaction) to detect the virus in blood and other body fluid samples. Health authorities also use temperature checks, contact tracing, and isolation procedures to prevent transmission.

There are currently no widely approved vaccines or specific antiviral treatments for the Bundibugyo strain of Ebola disease. Treatment mainly consists of supportive care, including intravenous fluids, electrolyte replacement, oxygen support, pain and fever management, and treatment of secondary infections. Early medical care significantly improves survival chances. Robust public health measures such as early detection, rapid isolation, strong infection prevention measures (*i.e.,* use of personal protective equipment [PPE]), and monitoring of contacts are critical to controlling outbreaks and reducing deaths. A clinical trial of monoclonal antibodies is presently underway in DRC.[5] However, experts expect it will be several months before these therapeutics are potentially available for wider use.

B. Ongoing Bundibugyo Virus Disease Outbreak

The ongoing outbreak of Ebola virus disease caused by the Bundibugyo virus in DRC continues to escalate in intensity and expand geographically. The outbreak is now the largest and deadliest Ebola outbreak in DRC's history, as well as the second largest Ebola outbreak on record.[6] The outbreak remains centered in eastern DRC's Ituri Province, although cases have been

[1] Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons into United States from Designated Foreign Countries or Places for Public Health Purposes, 85 FR 56424 (Sept. 11, 2020), as amended by 91 FR 31362 (May 27, 2026); 42 CFR 71.40.

[2] *Suspension of the right to introduce* means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

[3] 42 CFR 71.40(f).

[4] 42 CFR 71.40(e)(1) and (2).

[5] WHO, *Patient enrolment begins in a scientific trial to identify the first effective treatments for Bundibugyo virus disease, https://www.who.int/news/item/02-07-2026-patient-enrolment-begins-in-a-scientific-trial-to-identify-the-first-effective-treatments-for-bundibugyo-virus-disease* (last accessed November 6, 2026).

[6] Kabasele D, Meyer E, Kabore I, et al. *Notes from the Field:* Characteristics and Monitoring of the 2026 Outbreak of Ebola Disease Caused by Bundibugyo Virus—Democratic Republic of the Congo, August 2026. MMWR Morb Mortal Wkly Rep 2026;75:554–556. DOI: *http://dx.doi.org/10.15585/mmwr.mm7535e1.*

identified in Bas-Uélé, Haut-Uélé, North Kivu, North Ubangi, South Kivu, South Ubangi, and Tshopo, provinces. Since the issuance of the last Order, the outbreak has spread to North Ubangi.[7] On October 5, prior to the issuance of the last Order, DRC reported 8,665 confirmed cases and 4,178 deaths across 64 health zones. Cases and deaths have continued to increase and, as of November 6, 2026, DRC reports 10,879 confirmed cases and 5,302 deaths across 67 health zones.

Response efforts are still not at the scale required for outbreak containment. Contact tracing is currently at 84%, well below the operational threshold of 95% needed to successfully slow the spread of this outbreak.[8] Recent assessments indicate that the true magnitude of the outbreak may be much greater than reported surveillance data suggest. Surveillance challenges persist in the most heavily affected areas, with conflict and insecurity, weak health infrastructure, and relatively porous borders in the region complicating containment efforts. These conditions increase the likelihood that cases will remain undetected and that infected persons may travel outside affected areas before being identified by public health authorities. For example, on June 24, 2026, France reported an imported case of Ebola disease caused by Bundibugyo virus in an intensive-care physician returning from the Democratic Republic of the Congo; the patient recovered fully, and no secondary transmission was identified.[9]

Uganda completed the 42-day enhanced monitoring period—defined as twice the maximum incubation period for Ebola (21 days) per international guidance—on August 27, 2026.[10] Prior to August 27, 2026, Uganda reported 20 confirmed cases of Ebola disease and two confirmed deaths, as well as one probable case and one probable death. The last confirmed case of the outbreak was reported on June 21, 2026. Of the confirmed cases, 15 were imported cases and 5 were secondary cases linked to imported cases from DRC.[11] All cases in Uganda have been epidemiologically linked to the ongoing outbreak in DRC, with cross-border importations having occurred, resulting in secondary transmission among family members and caregivers.[12] Ugandan authorities activated emergency response systems, expanded surveillance, and strengthened screening at borders and health facilities. Although the country has achieved successful containment of the outbreak, continued overland travel from DRC poses an ongoing risk of cross-border transmission, particularly among healthcare workers and in western Ugandan districts that serve as points of entry for travelers seeking medical care.

Travel-associated cases in Kenya and Nigeria have demonstrated the continued risk of regional and international spread from the ongoing outbreak in DRC. On October 6, 2026, the Kenya Ministry of Health announced the country's first BVD case and death in an individual who had traveled from DRC to Uganda, flown from Kampala to Nairobi on October 2, and was hospitalized before dying on October 5, 2026.[13] On October 20, 2026, Nigeria reported an Ebola case in a traveler arriving from Uganda who developed symptoms on October 7 and tested positive on October 20. The patient was later medically evacuated to Switzerland; the source of infection remains under investigation.[14]

To date, South Sudan has not reported any confirmed Ebola disease cases in the current outbreak.[15] However, it is considered at high risk because of its close border with affected areas in eastern DRC, limited healthcare infrastructure and public health surveillance capacity, and cross-border population movement. Regional and international agencies, including the World Health Organization (WHO) and Africa CDC, are supporting preparedness measures, surveillance, and coordination among the three countries to prevent wider spread. Despite these efforts, there continues to be a risk that the outbreak in DRC could spread to South Sudan through cross-border travel by infected individuals during the virus's incubation period, when they have been exposed but are not yet showing symptoms.

Travelers moving between affected countries and major international transit hubs could unknowingly carry the Bundibugyo virus before becoming ill. Such travelers may spread the outbreak beyond the affected countries and ultimately reach the United States. DRC, Uganda, and South Sudan are connected to the global aviation network through a series of regional and international transit hubs that provide pathways into the United States. Travelers departing from outbreak-affected regions frequently transit through densely populated metropolitan airports such as Addis Ababa Bole International Airport (ADD), Jomo Kenyatta International Airport (NBO) in Nairobi, Brussels Airport (BRU), Hamad International Airport (DOH) in Doha, Dubai International Airport (DXB), and Istanbul Airport (IST), all of which maintain extensive passenger connectivity to major U.S. gateway airports including John F. Kennedy International Airport (JFK), Washington Dulles International Airport (IAD), Hartsfield-Jackson Atlanta International Airport (ATL), Chicago O'Hare International Airport (ORD), and Los Angeles International Airport (LAX). These international transportation corridors support continuous movement of travelers between Central and East Africa and major U.S. metropolitan centers, increasing the likelihood that aliens exposed to Ebola disease could enter the United States before symptoms become apparent. Complex multi-leg itineraries and the rapid pace of international travel create substantial challenges for identifying potentially infected travelers before arrival.

A traveler infected in outbreak regions of DRC may transit through multiple countries and major international airports before developing fever or other clinical signs of disease. The risk of Bundibugyo virus disease introduction into the United States is heightened by the virus's incubation period, which can extend up to 21 days, allowing infected persons to travel internationally while asymptomatic and therefore unlikely to be detected through routine symptom-based screening measures. A single infected traveler, particularly in countries with limited public health infrastructure, can impose significant

[7] CDC, *Ebola Outbreak: Current Situation https://sante.gouv.cd/documents/sitreps* (last accessed November 9, 2026).

[8] Ministry of Public Health, Hygiene and Social Welfare, *Situation Report on the 17th Ebola Virus Outbreak Disease/DRC—October 6, 2026, https://insp.cd/category/activite-cousp/* (last accessed November 9, 2026).

[9] WHO, *Ebola Disease Caused by Bundibugyo Virus—Democratic Republic of the Congo, https://www.who.int/emergencies/disease-outbreak-news/item/2026-DON614* (last accessed November 6, 2026).

[10] WHO, Uganda ends Ebola outbreak following completion of 42-day countdown, *https://www.afro.who.int/countries/uganda/news/uganda-ends-ebola-outbreak-following-completion-42-day-countdown* (last accessed November 6, 2026).

[11] WHO, *Disease Outbreak News: Ebola disease caused by Bundibugyo virus, Democratic Republic of the Congo & Uganda, https://www.who.int/emergencies/disease-outbreak-news/item/2026-DON613* (last accessed November 9, 2026).

[12] CDC internal data.

[13] WHO, *Kenya confirms first imported Bundibugyo virus disease case; WHO supports control efforts, https://www.afro.who.int/countries/kenya/news/kenya-confirms-first-imported-bundibugyo-virus-disease-case-who-supports-control-efforts* (last accessed November 9, 2026).

[14] WHO, *Ebola disease caused by Bundibugyo virus—Democratic Republic of the Congo, Kenya and Nigeria, https://www.who.int/emergencies/disease-outbreak-news/item/2026-DON622* (last accessed November 6, 2026).

[15] CDC, *Ebola Outbreak: Current Situation, https://www.cdc.gov/ebola/situation-summary/index.html* (last accessed November 6, 2026).

cross-border public health response demands even without onward transmission occurring within the United States. The interconnected nature of global air travel presents a credible pathway for Bundibugyo virus disease importation into the United States, underscoring the importance of aggressive surveillance, traveler monitoring, airport public health screening, healthcare preparedness, and rapid containment capabilities.

Travelers utilizing air transit pathways originating in or passing through DRC, Uganda, and South Sudan include non-U.S. citizens, including regional migrants, foreign contract workers, humanitarian personnel, business travelers, students, refugees, and third-country nationals moving through international aviation hubs in Africa, the Middle East, and Europe. Many travelers entering U.S.-bound itineraries from these pathways may do so under temporary visas, refugee or asylum processing mechanisms, international organizational travel, or multi-country itineraries that obscure their original point of departure. As a result, public health screening and border security systems face heightened operational complexity in identifying travelers with recent exposure histories linked to Ebola-affected regions, particularly when travelers transit through multiple jurisdictions prior to arrival at major U.S. metropolitan airports.

CDC has issued a series of Travel Health Notices (THNs) for the region, adjusting the THNs for individual affected provinces to reflect current circumstances during the course of the outbreak. A Level 4 THN (avoid all travel) is currently in place for Ituri and North Kivu provinces of DRC.[16] A Level 3 THN (reconsider nonessential travel) is currently in place for Haut-Uélé, and Tshopo provinces of DRC.[17] The rest of DRC and all of Uganda remain under a Level 2 THN (practice enhanced precautions).[18]A Level 1 THN (practice usual precautions) is currently in place for Kenya.[19] Modifications to the THNs reflect the geographic distribution of reported cases and do not indicate a reduced level of concern regarding the outbreak, which continues to expand in affected areas and poses a risk of further transmission and geographic spread.

CDC modeling demonstrates that early identification of cases, contact tracing, isolation and treatment of symptomatic persons, community engagement, and safe burial practices are critical to reducing transmission and mitigating outbreak growth.[20] CDC has concluded that the current outbreak is already the largest known outbreak of Bundibugyo virus disease and that large-scale, sustained public health measures are necessary to prevent further international spread of the disease and to reduce the risk of introduction of infected persons into the United States.[21]

Restricting entry of covered aliens into the United States reduces the volume of higher-risk international arrivals requiring public health monitoring and follow-up by the health departments of jurisdiction in the United States. By limiting the number of potentially exposed travelers entering through major U.S. ports of entry, federal, state, and local public health authorities have concentrated finite surveillance, screening, contact tracing, quarantine management, and medical monitoring resources on returning U.S. citizens and U.S. nationals, including those who have worked in the outbreak areas.

Additional measures have similarly been put in place by CDC[22] and federal partners[23] to help focus U.S. Government resources domestically.[24] This layered approach has reduced operational strain on airport screening systems, CDC port health stations, public health laboratories, and healthcare facilities responsible for evaluating suspected Bundibugyo virus disease cases. It also has improved the ability of authorities to conduct detailed exposure assessments, ensure compliance with monitoring requirements during the 21-day incubation period, rapidly identify symptomatic travelers, and allocate specialized isolation and treatment capacity more effectively. In the context of a rapidly evolving Bundibugyo virus disease outbreak with significant cross-border mobility, prioritizing surveillance efforts toward a smaller and more traceable traveler population has strengthened the overall effectiveness of U.S. disease containment and border health security operations.

IV. Legal Basis for This Order Under Sections 362 and 365 of the Public Health Service Act and 42 CFR 71.40

CDC is issuing this Order pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and the implementing regulation at 42 CFR 71.40. In accordance with these authorities, the CDC Director is permitted to prohibit, in whole or in part, the introduction into the United States of persons from designated foreign countries (or one or more political subdivisions or regions thereof) or places, only for such period of time that the Director deems necessary to avert the serious danger of the introduction of a quarantinable communicable disease,[25] by issuing an Order in which the Director determines that:

(1) By reason of the existence of any quarantinable communicable disease in a foreign country (or one or more political subdivisions or regions thereof) or place there is serious danger of the introduction of such quarantinable communicable disease into the United States; and

[16] CDC issued a Level 2 THN (practice enhanced precautions) for Ituri and North Kivu Provinces of DRC on May 15, 2026; this was escalated to a Level 3 THN (reconsider nonessential travel) on May 18, 2026. On August 4, 2026, this was escalated to a level 4 THN. The current Level 4 THN is available at *https://wwwnc.cdc.gov/travel/notices/level4/ebola-drc-provinces* (last accessed November 6, 2026).

[17] South Kivu was added to the Level 3 THN on May 22, 2026 but then was moved to a Level 2 THN on July 15, 2026; Haut-Uélé and Tshopo Provinces were added to the Level 3 THN on August 4, 2026. The current THN is available at *https://wwwnc.cdc.gov/travel/notices/level3/ebola-democratic-republic-of-the-congo* (last accessed November 6, 2026).

[18] CDC issued a Level 1 THN (practice usual precautions) for Uganda on May 15, 2026. On May 27, 2026, the THN for Uganda was elevated to a Level 2. On June 15, 2026, CDC issued a Level 2 THN for the remainder of DRC and Uganda. The current THN is available at *https://wwwnc.cdc.gov/travel/notices/level2/ebola-drc-uganda* (last accessed November 6, 2026).

[19] CDC issued a Level 1 THN (practice usual precautions) for Kenya on October 19, 2026. The current THN is available at *https://wwwnc.cdc.gov/travel/notices/level1/ebola-kenya* (last accessed November 6, 2026).

[20] Mooring EQ, Koval WT, Routledge I, et al. *Modeled Scenario Projections for the Ebola Disease Outbreak Caused by Bundibugyo Virus, 2026.* MMWR Morb Mortal Wkly Rep 2026;75:285–289. DOI: *http://dx.doi.org/10.15585/mmwr.mm7522e1.*

[21] *Id.*

[22] CDC issued an Order on October 22, 2026, amended on October 28, 2026, requiring that all air travelers boarding an international flight into or connecting through the United States sign a statement (attestation) that they have not been present in DRC in the 21 days prior to boarding the flight to the United States. *See* CDC, Requirement for Attestation by All Persons Arriving in the United States from Any Foreign Country Via Transportation by Aircraft and Controlled Free Pratique for Airlines and Other Aircraft Operators Confirming that Such Persons Have Not Been in the Democratic Republic of the Congo in the Past 21 Days, 91 FR 68518 (Oct. 30, 2026), *https://www.cdc.gov/port-health/legal-authorities/attestation-order.html.*

[23] For example, DHS arrival restrictions redirecting travelers to specific U.S. airports. *See* DHS, Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled From or Were Otherwise Present Within the Democratic Republic of the Congo, Uganda, or South Sudan, 91 FR 29896 (May 21, 2026).

[25] *See* Exec. Order No. 13,295, Revised List of Quarantinable Communicable Diseases (April 2, 2003) (adding viral hemorrhagic fevers, including Ebola, to the U.S. federal list of quarantinable communicable diseases).

(2) This danger is so increased by the introduction of persons from such country (or one or more political subdivisions or regions thereof) or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health.[26]

Section 362 and the implementing regulation provide the Director with a public health tool to suspend introduction of persons not only to prevent the introduction of a quarantinable communicable disease, but also to aid in continued efforts to mitigate spread of that disease.[27]

The term ''introduction into the United States'' is defined in 42 CFR 71.40 as ''the movement of a person from a foreign country (or one or more political subdivisions or regions thereof) or place, or series of foreign countries or places, into the United States so as to bring the person into contact with persons or property in the United States, in a manner that the Director determines to present a risk of transmission of a quarantinable communicable disease to persons, or a risk of contamination of property with a quarantinable communicable disease.'' 42 CFR 71.40(b)(1). Similarly, the term ''serious danger of the introduction of such quarantinable communicable disease into the United States'' is defined as, ''the probable introduction of one or more persons capable of transmitting the quarantinable communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the quarantinable communicable disease.'' 42 CFR 71.40(b)(3).

Section 71.40(b)(2) defines ''[p]rohibit, in whole or in part, the introduction into the United States of persons'' in Section 362 to mean ''to prevent the introduction of persons into the United States by suspending any right to introduce into the United States, physically stopping or restricting movement into the United States.'' *See also* 42 U.S.C. 265 (authorizing the prohibition when the danger posed by the communicable disease ''is so increased by the introduction of persons . . . from such country . . . that a suspension of the right to introduce such persons . . . is required in the interest of public health'').

As stated in the Final Rule for 42 CFR 71.40, CDC ''may, in its discretion, consider a wide array of facts and circumstances when determining what is required in the interest of public health in a particular situation . . . includ[ing] . . . [t]he overall number of cases of disease; any large increase in the number of cases over a short period of time; the geographic distribution of cases; any sustained (generational) transmission; the method of disease transmission; morbidity and mortality associated with the disease; the effectiveness of contact tracing; the adequacy of state and local health care systems; and the effectiveness of state and local public health systems and control measures.'' [28]

As stated in 42 CFR 71.40, this Order does not apply to U.S. citizens, U.S. nationals, members of the armed forces of the United States and associated personnel if the Secretary of War provides assurance to the Director that the Secretary of War has taken or will take measures such as quarantine or isolation, or other measures maintaining control over such individuals, to prevent the risk of transmission of the quarantinable communicable disease into the United States, or United States government employees or contractors on orders abroad, or their accompanying family members who are on their orders or are members of their household, if the Director receives assurances from the relevant head of agency and determines that the head of the agency or department has taken or will take measures such as quarantine or isolation, to prevent the risk of transmission of a quarantinable communicable disease into the United States.[29]

In addition, this Order does not apply to additional classes of persons excepted by the CDC Director. Creating exceptions in the Order is consistent with Section 362 and 42 CFR 71.40. Section 362 explicitly states that the prohibition of introduction into the United States may be ''in whole or in part.'' This phrase is also included in section 71.40(a) and, as explained in the Final Rule, is intended to allow the Director to narrowly tailor the use of the authority to what is required in the interest of public health.[30] As noted in the Final Rule for 42 CFR 71.40, the CDC Director may also take into account international obligations and humanitarian concerns.[31] Pursuant to this capability, CDC is therefore excepting certain categories of persons, as described herein.

This Order will be in effect for 30 days to avert the serious danger of the introduction, transmission, and spread of Ebola disease into the United States.

Finally, as directed by 42 CFR 71.40(c), this Order sets out the following:

(1) The foreign countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited;

(2) The period of time or circumstances under which the introduction of any persons or class of persons into the United States is being prohibited;

(3) The conditions under which that prohibition on introduction will be effective, in whole or in part, including any relevant exceptions that the Director determines are appropriate;

(4) The means by which the prohibition will be implemented; and

(5) The serious danger posed by the introduction of the quarantinable communicable disease in the foreign country or countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited.

V. Determination and Implementation

Based on the foregoing, I hereby determine that Ebola disease, a highly transmissible quarantinable communicable disease, is confirmed currently present in DRC and recently present in Uganda. There is a material risk that the outbreak will spread to South Sudan and again to Uganda. I also determine that the prevalence of Ebola disease in these foreign countries constitutes a serious danger of the introduction of this disease into the United States due to the limited screening and testing and mitigation measures currently available. Finally, I determine that a temporary 30-day suspension of the right to introduce covered aliens is necessary to protect the public health from the serious danger of the introduction of Ebola disease into the United States, pending an ongoing public health assessment of the Ebola disease outbreak.

I consulted with the Department of State, DHS, and other federal departments as needed before I issued this Order and requested that DHS aid in the enforcement of this Order because CDC does not have the capability, resources, or personnel needed to do so.[32] As part of the consultation, DHS developed operational plans for implementing this Order. These plans are consistent with the language of this Order.

Although this Order is not a rule subject to notice and comment under the Administrative Procedure Act (APA) and is issued with immediate effect, in

[26] 42 U.S.C. 265; 42 CFR 71.40.

[27] 85 FR 56424 at 56425–26.

[28] *Id.* at 56444.

[29] 42 CFR 71.40(e) and (f).

[30] 85 FR 56424 at 56444.

[31] *Id.* at 56447.

[32] 42 U.S.C. 268; 42 CFR 71.40(d).

order to ensure that the forthcoming public health risk assessment is informed by public input, the Order is being issued with a simultaneous 15-day comment period.

This Order takes effect at 5:00 p.m. Eastern Daylight Time on Tuesday, November 10, 2026. For individuals intending to travel to the United States by air, the Order will apply to flights departing after 4:59 p.m. Eastern Daylight Time on Tuesday, November 10, 2026.

* * * * *

In testimony whereof, the Assistant Secretary for Health, U.S. Department of Health and Human Services, has hereunto set his hand at _____ this 9th day of November, 2026.

Dated:

Admiral Brian Christine, MD,

Assistant Secretary for Health (ASH) and Head of the United States Public Health Service (USPHS) Commissioned Corps Department of Health and Human Services

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data so that the public can provide input that may inform the forthcoming public health risk assessment and whether any subsequent exercise of this authority is necessary.

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. Do not submit comments by email. CDC does not accept comment by email.

Authority

The authority for this order is Sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268), as amended.

Brian Christine,

Assistant Secretary for Health (ASH) and Head of the United States Public Health Service (USPHS) Commissioned Corps Department of Health and Human Services.

[FR Doc. 2026–23114 Filed 11–12–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10241 and CMS–10510]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *December 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey of Retail Prices; *Use:* This information collection request provides for a survey of the average acquisition costs of all covered outpatient drugs purchased by retail community pharmacies. CMS may contract with a vendor to conduct monthly surveys of retail prices for covered outpatient drugs. Such prices represent a nationwide average of consumer purchase prices, net of discounts and rebates. The contractor shall provide notification when a drug product becomes generally available and that the contract includes such terms and conditions as the Secretary shall specify, including a requirement that the vendor monitor the marketplace. CMS has developed a National Average Drug Acquisition Cost (NADAC) for states to consider when developing reimbursement methodology. The NADAC is a pricing

benchmark that is based on the national average costs that pharmacies pay to acquire Medicaid covered outpatient drugs. This pricing benchmark is based on drug acquisition costs collected directly from pharmacies through a nationwide survey process. This survey is conducted on a monthly basis to ensure that the NADAC reference file remains current and up to date. *Form Number:* CMS–10241 (OMB control number 0938–1041); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 72,000; *Total Annual Responses: 72,000; Total Annual Hours:* 36,000. (For policy questions regarding this collection contact: Robert Giles at 410–786–4050.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title:* Basic Health Program (BHP) Supporting Regulations; *Use:* Section 1331 of the Affordable Care Act (ACA) gives States the option of creating a Basic Health Program (BHP) which is a health benefits coverage program for low-income residents who would otherwise be eligible to purchase coverage through the Exchange. The BHP gives States the ability to provide more affordable coverage for these low-income residents and improve continuity of care for people whose income fluctuates above and below Medicaid and Children's Health Insurance Program (CHIP) levels. This iteration proposes to revise the active collection of information instruments and (in line with sections 71301 and 71302 of the Working Families Tax Cut legislation) remove State eligibility for BHP funding attributable to certain non-citizens while maintaining BHP program eligibility for the same non-citizens. *Form Number:* CMS–10510 (OMB control number: 0938–1218); *Frequency:* Monthly and annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 4; *Number of Responses:* 55; *Total Annual Hours:* 7,744. (For policy questions regarding this collection contact Carrie Grubert 410–786–8319.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–23119 Filed 11–12–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–588 and CMS–10858]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Electronic Funds Transfer Authorization Agreement; Use: Section 1815(a) of the Social Security Act provides the authority for the Secretary of Health and Human Services to pay providers/suppliers of Medicare services at such time or times as the Secretary determines appropriate (but no less frequently than monthly). Under Medicare, CMS, acting for the Secretary, contracts with Fiscal Intermediaries and Carriers to pay claims submitted by providers/suppliers who furnish services to Medicare beneficiaries. Under CMS' payment policy, Medicare providers/suppliers have the option of receiving payments electronically. The collection and verification of this information via Form CMS–588 protects our beneficiaries from illegitimate health care providers/suppliers. These procedures also protect the Medicare Trust Funds against fraud. *Form Number:* CMS–588 (OMB control number: 0938–0626); *Frequency:* Occasionally; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 59,662; *Total Annual Responses:* 59,662; *Total Annual Hours:* 41,293. (For policy questions regarding this collection contact Alisha Sanders at 410–786–0671.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Rebate Reduction Requests under Sections 11101 and 11102 of the Inflation Reduction Act (IRA); Use: Sections 1847A(i)(3)(G)(ii) and 1860D–14B(b)(1)(C)(ii) of the Act require CMS to reduce or waive the rebate amount for a Part B biosimilar biological product and generic Part D rebatable drug or biosimilar when CMS determines there is a severe supply chain disruption, such as a disruption caused by a natural disaster or other unique or unexpected event during a calendar quarter or applicable period, respectively. Section 1860D–14B(b)(1)(C)(iii) of the Act requires CMS to reduce or waive the rebate amount owed by a manufacturer if CMS determines that without such reduction or waiver, the manufacturer's generic Part D rebatable drug is likely to be in shortage in a subsequent applicable period. CMS will use the information submitted electronically through a secure platform by a manufacturer requesting a reduction to determine whether a Part B rebatable biosimilar product or generic Part D rebatable drug or biosimilar is eligible for a reduction in the rebate amount. *Form Number:* CMS–10858 (OMB control number: 0938–1471); *Frequency:* Yearly; *Affected Public:* Private Sector and Business or other for-profit; *Number of Respondents:* 20; *Total Annual Responses:* 20; *Total Annual Hours:* 6,200. (For policy questions regarding this collection contact Caitlin Leach at 667–414–0802.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–23146 Filed 11–12–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–1450]

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 12, 2027.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. By *regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: ____ /OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Uniform Institutional Providers Form; *Use:* The UB–04 CMS–1450 is managed by the National Uniform Billing Committee (NUBC), sponsored by the American Hospital Association. Most payers are represented on this body, and the UB–04 is widely used in the industry. Medicare Part A MACs use the information on the UB–04 CMS–1450 to determine whether to make Medicare payment for the services provided, the payment amount, and whether or not to apply deductibles to the claim. The same method is also used by other payers. CMS is also a secondary user of data. CMS uses the information to develop a database, which is used to update, and revise established payment schedules and other payment rates for covered services. CMS also uses the information to conduct studies and reports. *Form Number:* CMS–1450 (OMB control number: 0938–0997); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 53,111; *Total Annual Responses:* 199,209,896; *Total Annual Hours:* 1,662,236. (For policy questions regarding this collection contact Charlene Parks at 410–786–8684.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–23189 Filed 11–12–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–12541]

Determination That DIBENZYLINE (Phenoxybenzamine Hydrochloride) Oral Capsule, 10 Milligrams, and Other Drug Products Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that the drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, a drug is removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

Under § 314.161(a) (21 CFR 314.161(a)), the Agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) before an ANDA that refers to that listed drug may be approved, (2) whenever a listed drug is voluntarily withdrawn from sale and ANDAs that refer to the listed drug have been approved, and (3) when a person petitions for such a determination under 21 CFR 10.25(a) and 10.30. Section 314.161(d) provides that if FDA determines that a listed drug was withdrawn from sale for safety or effectiveness reasons, the Agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug.

FDA has become aware that the drug products listed in table 1 are no longer being marketed.

TABLE 1—DRUG PRODUCTS NOT WITHDRAWN FROM SALE FOR REASONS OF SAFETY OR EFFECTIVENESS

Application No.	Drug name	Active ingredient(s)	Strength(s)	Dosage form/route	Applicant
NDA 008708	DIBENZYLINE	Phenoxybenzamine Hydrochloride.	10 Milligrams (mg)	Capsule; Oral	Advanz Pharma (US).
NDA 018701	HALDOL	Haloperidol Decanoate	Equivalent to (EQ) 50 mg Base/mL; EQ 100 mg Base/mL.	Injectable; Injection	Janssen Pharmaceuticals, Inc.
NDA 018859	VIRAZOLE	Ribavirin	6 Grams (g)/Vial	For Solution; Inhalation	Bausch Health US, LLC.
NDA 019557	VEPESID	Etoposide	100 mg	Capsule; Oral	Onesource Specialty Private Limited.
NDA 019901	ALTACE	Ramipril	1.25 mg; 2.5 mg; 5 mg; 10 mg.	Capsule; Oral	King Pharmaceuticals LLC.
NDA 020572	BUPHENYL	Sodium Phenylbutyrate	500 mg	Tablet; Oral	Horizon Therapeutics US Holding LLC.
NDA 020859	SONATA	Zaleplon	5 mg; 10 mg	Capsule; Oral	Pfizer, Inc.
NDA 020862	HECTOROL	Doxercalciferol	0.5 Micrograms (mcg); 1 mcg; 2.5 mcg.	Capsule; Oral	Sanofi Genzyme.
NDA 021773	BYETTA	Exenatide Synthetic	300 mcg/1.2 mL (250 mcg/mL); 600 mcg/2.4 mL (250 mcg/mL).	Injectable; Subcutaneous	AstraZeneca AB.
NDA 021912	BROVANA	Arformoterol Tartrate	EQ 0.015 mg base/2 mL	Solution; Inhalation	Lupin, Inc.
NDA 022206	RAPAFLO	Silodosin	4 mg; 8 mg	Capsule; Oral	Abbvie, Inc.
NDA 022328	INTERMEZZO	Zolpidem Tartrate	1.75 mg; 3.5 mg	Tablet; Sublingual	Purdue Pharma Products LP.
ANDA 087440	DEXAMETHASONE SODIUM PHOSPHATE.	Dexamethasone Sodium Phosphate.	EQ 4 mg phosphate/mL	Injectable; Injection	Luitpold Pharmaceuticals, Inc.
NDA 202133	FLUOXETINE HYDROCHLORIDE.	Fluoxetine Hydrochloride	EQ 60 mg Base	Tablet; Oral	TWI Pharmaceuticals, Inc.
NDA 205596	NO_XAFIL	Posaconazole	300 mg/16.7 mL (18 mg/mL)	Solution; Intravenous	Merck Sharp and Dohme Corp.
NDA 211996	VYNDAQEL	Tafamidis Meglumine	20 mg	Capsule; Oral	Foldrx Pharmaceuticals, LLC, A Wholly Owned Sub. of Pfizer, Inc.
NDA 022186	AK-FLUOR 25%	Fluorescein Sodium	EQ 500 mg Base/2 mL (EQ 250 mg Base/mL).	Injectable; Intravenous	Long Grove Pharmaceuticals, LLC.

FDA has reviewed its records and, under § 314.161, has determined that the drug products listed were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the Agency will continue to list the drug

products in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

Approved ANDAs that refer to the drug products listed are unaffected by the discontinued marketing of the products subject to these applications. Additional ANDAs that refer to these products may also be approved by the Agency if they comply with relevant legal and regulatory requirements. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–23141 Filed 11–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; ALACRITY Research Centers (P50).

Date: December 4, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II ,6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sandhya Sanghi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3393, *sandhya.sanghi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–25–446: Development of Interventions to Prevent and Treat Substance Use Disorders and Overdose.

Date: December 4, 2026.

Time: 10:00 a.m. to 9:00 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: Brian Hoshaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–1486, *hoshawb@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Motivated Behavior and Neurotoxicology of Addictive Substances.

Date: December 4, 2026.

Time: 10:00 a.m. to 9:00 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: Mamatha Garige, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 443–1706, *mamatha.garige@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Therapeutics Delivery.

Date: December 4, 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: John Grason, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 443–8416, *john.grason@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bacterial-Host Interactions and Immunity and Host Defense.

Date: December 4, 2026.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II ,6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Irene Ramos Lopez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4891, *irene.ramoslopez@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Transmission of Vector-Borne and Zoonotic Diseases.

Date: December 4, 2026.

Time: 1:00 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: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3245, *muratah@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: November 9, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–23129 Filed 11–12–26; 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; Radiological or Nuclear Medical Countermeasure Product Development Support (PDS).

Date: December 1, 2026.

Time: 10:00 a.m. to 12:00 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: Thomas F. Conway, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–9085, *chiuc@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Technology and Methodologies.

Date: December 7, 2026.
Time: 9:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Paul Hewett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672–8946, *hewettmarxpn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery and Development.
Date: December 7–8, 2026.
Time: 9:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer Center for Scientific Review National Institutes of Health 6701 Rockledge Drive, Room 4158, MSC 7806 Bethesda, MD 20892 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Promotion in Communities: Approaches for Youth and Maternal Health.
Date: December 7, 2026.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–8693, *sonia.nanescu@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Commercialization Readiness Pilot (CRP) Program.
Date: December 7, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Kaitlyn N. Hardell, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *kaitlyn.hardell@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Microbial Diagnostics and Detection.
Date: December 7–8, 2026.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 627–3390, *aabbey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Behavioral Health, Substance Misuse, Implementation, and Effectiveness.
Date: December 7, 2026.
Time: 10:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Tamara Dionne Willis, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 905–J, Bethesda, MD 20892, (240) 367–7208, *tamara.willis@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research and Career Development Awards in Reproduction and Skin.
Date: December 7, 2026.
Time: 11:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Andrew M. Wolfe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, (301) 402–3019, *andrew.wolfe@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: November 9, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–23130 Filed 11–12–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2639]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://*

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Florida:						
Orange	Unincorporated areas of Orange County (25–04–6810P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	120179
Palm Beach	Village of Royal Palm Beach (25–04–6486P).	The Honorable Jeff Hmara, Mayor, Village of Royal Palm Beach, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Village Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	120225
Polk	City of Lake Wales (25–04–3999P).	The Honorable Jack Hilligoss, Mayor, City of Lake Wales, 201 West Central Avenue, Lake Wales, FL 33853.	City Hall, 201 West Central Avenue, Lake Wales, FL 33853.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 15, 2026	120390
Polk	City of Winter Haven (25–04–3999P).	The Honorable Brian Yates, Mayor, City of Winter Haven, 451 3rd Street Northwest, Winter Haven, FL 33881.	Building Division, 490 3rd Street Northwest, Winter Haven, FL 33881.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 15, 2026	120271
Polk	Unincorporated areas of Polk County (25–04–3999P).	Bill Beasley, County Manager, Polk County, 330 West Church Street, Bartow, FL 33830.	Polk County Administration Building, Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 15, 2026	120261
Volusia	City of Daytona Beach (25–04–6565P).	The Honorable Derrick Henry, Mayor, City of Daytona Beach, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.	City Hall, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	125099
Volusia	City of DeLand (25–04–2355P).	The Honorable Chris Cloudman, Mayor, City of DeLand, 120 South Florida Avenue, DeLand, FL 32720.	City Hall, 120 South Florida Avenue, DeLand, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	120307
Volusia	Unincorporated areas of Volusia County (25–04–2355P).	George Recktenwald, County Manager, Volusia County, 123 West Indiana Avenue, DeLand, FL 32720.	Volusia County, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	125155
Georgia:						
Coffee	City of Douglas (26–04–0085P).	The Honorable Tony L. Paulk, Mayor, City of Douglas, P.O. Box 470, Douglas, GA 31533.	City Hall, 302 South Madison Avenue, Douglas, GA 31533.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 27, 2026	130216

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Coffee	Unincorporated areas of Coffee County (26–04–0085P).	Wesley Vickers, County Administrator, Coffee County, 224 West Ashley Street, Douglas, GA 31533.	Coffee County Planning and Zoning, 224 West Ashley Street, Suite E, Douglas, GA 31533.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 27, 2026	130465
Illinois:						
Kane	City of St. Charles (25–05–2320P).	The Honorable Clint Hull, Mayor, City of St. Charles, 2 East Main Street, St. Charles, IL 60174.	Public Works Department, 1405 South 7th Avenue, St. Charles, IL 60174.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2026	170330
Kane	Unincorporated areas of Kane County (25–05–2320P).	The Honorable Corinne Pierog, Chair, Kane County Board, 719 South Batavia Avenue, Building A, Geneva, IL 60134.	Kane County Government Center, 719 South Batavia Avenue, Building A, Geneva, IL 60134.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2026	170896
Kane	Village of Pingree Grove (26–05–0138P).	The Honorable Amber Kubiak, Village of Pingree Grove, Village President, 555 Reinking Road, Pingree Grove, IL 60140.	Village Hall, 555 Reinking Road, Pingree Grove, IL 60140.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 8, 2026	171078
Indiana: Hamilton	City of Westfield (25–05–0766P).	The Honorable Scott Willis, Mayor, City of Westfield, 2728 East 171st Street, Westfield, IN 46074.	City Services Center, 2728 East 171st Street, Westfield, IN 46074.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 6, 2026	180083
Kansas:						
Butler	City of Andover (24–07–0809P).	The Honorable Ronnie Price, Mayor, City of Andover, 1609 East Central Avenue, Andover, KS 67002.	City Hall, 1609 East Central Avenue, Andover, KS 67002.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2026	200383
Johnson	City of Overland Park (25–07–0809P).	The Honorable Curt Skoog, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 6, 2026	200174
Kentucky: Jefferson	Metropolitan Government of Louisville and Jefferson County (25–04–4519P).	The Honorable Craig Greenberg, Mayor, Metropolitan Government of Louisville and Jefferson County, 527 West Jefferson Street, 4th Floor Louisville, KY 40203.	Louisville/Jefferson County Metropolitan Sewer District, 700 West Liberty Street, Louisville, KY 40203.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	210120
Massachusetts: Barnstable.	Town of Chatham (25–01–1042P).	Jill R. Goldsmith, Town Manager, Town of Chatham, 549 Main Street, Chatham, MA 02633.	Town Office, 549 Main Street, Chatham, MA 02633.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	250004
Michigan: Macomb	City of Sterling Heights (26–05–0912P).	The Honorable Michael C. Taylor, Mayor, City of Sterling Heights, 40555 Utica Road, Sterling Heights, MI 48313.	City Hall, 40555 Utica Road, Sterling Heights, MI 48313.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2026	260128
Missouri: Cass	City of Raymore (25–07–0850P).	The Honorable Kristofer P. Turnbow, Mayor, City of Raymore, 100 Municipal Circle, Raymore, MO 64083.	City Hall, 100 Municipal Circle, Raymore, MO 64083.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	290070
New Mexico:						
Dona Ana	City of Las Cruces (26–06–0551P).	The Honorable Eric Enriquez, Mayor, City of Las Cruces, 700 North Main Street, Las Cruces, NM 88001.	City Hall, 700 North Main Street, Las Cruces, NM 88001.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	355332
Dona Ana	Unincorporated areas of Dona Ana County (26–06–0551P).	Scott Andrews, Dona Ana County Manager, 845 North Motel Boulevard, Las Cruces, NM 88007.	Dona Ana County, Flood Commission, 2480 Lakeside Drive, Suite C, Las Cruces, NM 88007.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	350012
Taos	Unincorporated areas of Taos County (26–06–0336P).	Brent Jaramillo Taos, County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Assessor's Office, 105 Albright Street, Suite G, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	350078
North Carolina:						
Graham	Town of Robbinsville (25–04–5128P).	The Honorable Shaun Adams, Mayor, Town of Robbinsville, P.O. Box 126, Robbinsville, NC 28771.	Town Hall, 4 Court Street, Robbinsville, NC 28771.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2026	370106

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Graham	Unincorporated areas of Graham County (25–04–5128P).	Meggan Smith, Chair, Graham County Board of Commissioners, 12 North Main Street, Robbinsville, NC 28771.	Graham County Mapping Department, 12 North Main Street, Robbinsville, NC 28771.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2026	370105
Wayne	Town of Mount Olive (26–04–0456P).	The Honorable J. Jerome Newton, Mayor, Town of Mount Olive, 114 East James Steet, Mount Olive, NC 28365.	Town Hall, 114 East James Steet, Mount Olive, NC 28365.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 14, 2026	370369
Wayne	Unincorporated areas of Wayne County (26–04–0456P).	Joe Daughtery, Chair, Wayne County Board of Commissioners, 224 East Walnut Street, Goldsboro, NC 27530.	Wayne County GIS Office, 134 North John Street, Goldsboro, NC 27533.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 14, 2026	370254
Ohio:						
Lorain	City of Avon (25–05–2106P).	The Honorable Bryan Jensen, Mayor, City of Avon, 36080 Chester Road, Avon, OH 44011.	City Hall, 36080 Chester Road, Avon, OH 44011.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 19, 2026	390348
Warren	City of Springboro (26–05–0318P).	The Honorable John Agenbroad, Mayor, City of Springboro, 1255 South Main Street, Springboro, OH 45066.	Municipal Building, 320 West Central Avenue, Springboro, OH 45066.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 3, 2026	390564
Warren	Unincorporated areas of Warren County (26–05–0318P).	The Honorable Tom Grossmann, Commissioner, Warren County, 406 Justice Drive, Lebanon, OH 45036.	Warren County Soil and Water Conservation District, 320 East Silver Street, Lebanon, OH 45036.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 3, 2026	390757
South Carolina:						
Aiken	Unincorporated areas of Aiken County (25–04–6839P).	Brian Sanders, Aiken County Administrator, 1930 University Parkway, Aiken, SC 29801.	Aiken County Government Center, 1930 University Parkway, Aiken, SC 29801.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 16, 2026	450002
Charleston	City of Charleston (26–04–2580P).	The Honorable William S. Cogswell, Jr., Mayor, City of Charleston, 80 Broad Street, Charleston, SC 29401.	Building Inspection, 2 George Street, Suite 2100, Charleston, SC 29401.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2026	455412
Tennessee: Cheatham.	Town of Kingston Springs (25–04–4843P).	The Honorable Todd Verhoven, Mayor, Town of Kingston Springs, P.O. Box 256, Kingston Springs, TN 37082.	City Hall, 396 Spring Street, Kingston Springs, TN 37082.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 21, 2026	470289
Texas:						
Bexar	City of San Antonio (25–06–1261P).	The Honorable Gina Ortiz Jones, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480045
Bexar	City of San Antonio (26–06–0150P).	The Honorable Gina Ortiz Jones, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480045
Bexar	Unincorporated areas of Bexar County (26–06–0238P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	480035
Bexar	Unincorporated areas of Bexar County (26–06–0274P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	480035
Bexar	Unincorporated areas of Bexar County (26–06–0276P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 2, 2026	480035
Collin	City of Lowry Crossing (26–06–1046P).	The Honorable Patrick J. Kelly, II, Mayor, City of Lowry Crossing, 1405 South Bridgefarmer Road, McKinney, TX 75069.	City Hall, 1405 South Bridgefarmer Road, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2026	481631

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Collin	City of Wylie (26–06–0366P).	The Honorable Matthew Porter, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480759
Collin	Unincorporated areas of Collin County (26–06–0366P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480130
Collin	Unincorporated areas of Collin County (26–06–1046P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2026	480130
Comal and Kendall Counties.	City of Fair Oaks Ranch (25–06–1287P).	The Honorable Greg Maxton, Mayor, City of Fair Oaks Ranch, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, TX 78015.	City Hall, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, TX 78015.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	481644
Dallas	City of Coppell (25–06–2762P).	The Honorable Wes Mays, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	Engineering Department, 265 East Parkway Boulevard, Coppell, TX 75019.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	480170
Dallas	City of Garland (25–06–1497P).	The Honorable Dylan Hedrick, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	City Hall, 200 North 5th Street, Garland, TX 75040.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	485471
Dallas	City of Rowlett (25–06–1497P).	The Honorable Jeff Winget, Mayor, City of Rowlett, 4000 Main Street, Rowlett, TX 75088.	City Hall, 4000 Main Street, Rowlett, TX 75088.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480185
Dallas	City of Sachse (25–06–1466P).	The Honorable Jeff Bickerstaff, Mayor, City of Sachse, 3815 Sachse Road, Sachse, TX 75048.	City Hall, 3815 Sachse Road, Building B, Sachse, TX 75048.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480186
Denton	City of Denton (25–06–1806P).	Sara Hensley, City Manager, City of Denton, 215 East McKinney Street, Denton, TX 76201.	Engineering Services Department, 401 North Elm Street, Denton, TX 76201.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	480194
Denton	Unincorporated areas of Denton County (25–06–1806P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2026	480774
Denton	Unincorporated areas of Denton County (25–06–2350P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480774
Grayson	Unincorporated areas of Grayson County (25–06–0908P).	The Honorable Bruce Dawsey, Grayson County Judge, 100 West Houston Street, Sherman, TX 75090.	Grayson County Courthouse, 100 West Houston Street, Sherman, TX 75090.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2026	480829
Kaufman	Unincorporated areas of Kaufman County (25–06–2346P).	The Honorable Jakie Allen, Kaufman County Judge, 1902 East U.S. Highway, 175 Kaufman, TX 75142.	Kaufman County Development Services, 101 North Houston Street, Kaufman, TX 75142.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480411
Kendall	Unincorporated areas of Kendall County (25–06–1287P).	The Honorable Shane Stolarczyk, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Courthouse, 201 East San Antonio Avenue, Boerne, TX 78006.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480417
Midland	Unincorporated areas of Midland County (25–06–1073P).	The Honorable Terry Johnson, Midland County Judge, 500 North Loraine Street, Midland, TX 79701.	Midland County Courthouse, 500 North Loraine Street, Midland, TX 79701.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2026	481239
Rockwall	City of Rockwall (25–06–2430P).	The Honorable Tim McCallum, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	City Hall, 385 South Goliad Street, Rockwall, TX 75087.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480547

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Tarrant	City of Fort Worth (25–06–1311P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	City Hall Department of Transportation and Public Works, 100 Fort Worth Trail, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	480596
Tarrant	City of Fort Worth (26–06–0824P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	City Hall Department of Transportation and Public Works, 100 Fort Worth Trail, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 29, 2026	480596
Tarrant	City of Lake Worth (25–06–1311P).	The Honorable Walter Bowen, Mayor, City of Lake Worth, 3805 Adam Grubb, Lake Worth, TX 76135.	City Hall, 3805 Adam Grubb Lake, Worth, TX 76135.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 13, 2026	480605
Webb	City of Laredo (25–06–1666P).	The Honorable Victor D. Trevino, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	City Hall, 1110 Houston Street, Laredo, TX 78040.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2026	480651
Wilbarger	City of Vernon (25–06–2564P).	The Honorable Pam Gosline, Mayor, City of Vernon, 1725 Wilbarger Street, Vernon, TX 76384.	Administration Building, 1725 Wilbarger Street, Vernon, TX 76384.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 16, 2026	481652
Williamson	City of Cedar Park (25–06–2575P).	Brenda Eivens City Manager, City of Cedar Park, 450 Cypress Creek Road, Cedar Park, TX 78613.	Development Services, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 29, 2026	481282
Williamson	City of Taylor (25–06–1796P).	The Honorable Dwayne Ariola, Mayor, City of Taylor, 400 Porter Street, Taylor, TX 76574.	City Hall, 400 Porter Street, Taylor, TX 76574.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480670
Virginia:						
Independent City.	City of Richmond (26–03–0101P).	The Honorable Danny Avula, Mayor, City of Richmond, 900 East Broad Street, Richmond, VA 23219.	Department of Public Utilities, Engineering Services Division, Water Resources, 1801 Commerce Road, Richmond, VA 23224.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 28, 2026	510129
Scott	Town of Gate City (26–03–0231P).	The Honorable Jamie Lawson, Mayor, Town of Gate City, 156 East Jackson Street, Gate City, VA 24251.	Town Hall, 156 East Jackson Street, Gate City, VA 24251.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2026	510145
Scott	Unincorporated areas of Scott County (26–03–0231P).	Joshua Wilson Scott, County Administrator, 190 Beech Street, Suite 201, Gate City, VA 24251.	Scott County, Building 190, Beech Street, Suite 201 Gate City, VA 24251.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2026	510142
Wisconsin: Sawyer	City of Hayward (26–05–0958P).	The Honorable Gary Gillis, Mayor, City of Hayward, P.O. Box 862, Hayward, WI 54843.	City Hall, 15889 West 3rd Street, Hayward, WI 54843.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 8, 2026	550410

[FR Doc. 2026–23163 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of March 2, 2027 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center

at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Lee County, Florida and Incorporated Areas Docket No.: FEMA–B–2519	
Unincorporated Areas of Lee County	Lee County Community Development and Public Works Center, 1500 Monroe Street, 2nd Floor, Fort Myers, FL 33901.
Village of Estero	Village Hall, 9401 Corkscrew Palms Circle, Suite 101, Estero, FL 33928.

[FR Doc. 2026–23166 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2634]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before February 11, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2634, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of

experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
San Benito County, California and Incorporated Areas Project: 23–09–0008S Preliminary Date: February 27, 2026	
City of Hollister	City Hall, 375 5th Street, Hollister, CA 95023.
City of San Juan Bautista	City Hall, 311 2nd Street, San Juan Bautista, CA 95045.
Unincorporated Areas of San Benito County	San Benito County Administration Building, 481 4th Street, 1st Floor, Hollister, CA 95023.

[FR Doc. 2026–23164 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2638]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The

flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Chandler (25–09–0844P).	The Honorable Kevin Hartke, Mayor, City of Chandler, 175 South Arizona Avenue, Chandler, AZ 85225.	City Hall, 175 South Arizona Avenue, Chandler, AZ 85225.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	040040
Maricopa	City of Goodyear (25–09–0858P).	The Honorable Joe Pizzillo, Mayor, City of Goodyear, 1900 North Civic Square, Goodyear, AZ 85395.	Development Services Department, 1900 North Civic Square, Goodyear, AZ 85395.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	040046
Maricopa	City of Peoria (26–09–0115P).	The Honorable Jason Beck, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	040050
Maricopa	City of Surprise (25–09–1161P).	The Honorable Kevin Sartor, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	City Hall, 16000 North Civic Center Plaza, Surprise, AZ 85374.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	040053
Maricopa	Unincorporated Areas of Maricopa County (23–09–0946P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 18, 2026	040037
Maricopa	Unincorporated Areas of Maricopa County (25–09–1161P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	040037
California:						
Contra Costa ..	City of Oakley (26–09–0770P).	The Honorable Hugh Henderson, Mayor, City of Oakley, 3231 Main Street, Oakley, CA 94561.	City Hall, 3231 Main Street, Oakley, CA 94561.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2026	060766
Fresno	City of Clovis (26–09–0453P).	The Honorable Vong Mouanoutoua, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Hall, 1033 5th Street, Clovis, CA 93612.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 14, 2026	060044
Riverside	City of Indio (26–09–0725P).	The Honorable Elaine Holmes, Mayor, City of Indio, 100 Civic Center Drive, Indio, CA 92201.	City Hall, 100 Civic Center Drive, Indio, CA 92201.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 16, 2026	060255
Riverside	Unincorporated Areas of Riverside County (26–09–0273P).	The Honorable Karen Spiegel, Chair, Riverside County Board of Supervisors, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control District Building, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 14, 2026	060245
Riverside	Unincorporated Areas of Riverside County (26–09–0725P).	The Honorable Karen Spiegel, Chair, Riverside County Board of Supervisors, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control District Building, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 16, 2026	060245
Sacramento	City of Sacramento (25–09–0899P).	The Honorable Kevin McCarty, Mayor, City of Sacramento, 915 I Street, 5th Floor, Sacramento, CA 95814.	Department of Utilities Engineering and Water Resources Division, 1395 35th Avenue, Sacramento, CA 95822.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2026	060266
San Diego	Unincorporated Areas of San Diego County (26–09–0305P).	Ebony Shelton, Chief Administrative Officer, San Diego County, 1600 Pacific Highway, Room 209, San Diego, CA 92101.	San Diego County Flood Control Office, 5510 Overland Avenue, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 31, 2026	060284

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado: Boulder	City of Longmont (26–08–0223P).	The Honorable Susie Hidalgo-Fahring, Mayor, City of Longmont, 350 Kimbark Street, Longmont, CO 80501.	Development Services Center, 385 Kimbark Street, Longmont, CO 80501.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2026	080027
Hawaii: Kauai	Kauai County (26–09–0006P).	The Honorable Derek S.K. Kawakami, Mayor, Kauai County, 4444 Rice Street, Suite #235, Lihue, HI 96766.	Kauai County, 4444 Rice Street, Suite #175, Lihue, HI 96766.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2026	150002
Idaho:						
Bonner	Unincorporated Areas of Bonner County (26–10–0447X).	The Honorable Ron Korn, Chair, Bonner County Board of Commissioners, 1500 Highway 2, Suite 308, Sandpoint, ID 83864.	Bonner County Planning Department, 1500 Highway 2, Suite 208, Sandpoint, ID 83864.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2026	160206
Canyon	City of Caldwell (25–10–0458P).	The Honorable Eric Phillips, Mayor, City of Caldwell, 205 South 6th Avenue, Caldwell, ID 83605.	City Hall, 621 Cleveland Boulevard, Caldwell, ID 83605.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2026	160036
Canyon	City of Caldwell (26–10–0043P).	The Honorable Eric Phillips, Mayor, City of Caldwell, 205 South 6th Avenue, Caldwell, ID 83605.	City Hall, 621 Cleveland Boulevard, Caldwell, ID 83605.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2026	160036
Canyon	City of Nampa (25–10–0458P).	David Bills, City Council President, City of Nampa, 500 12th Avenue South, Nampa, ID 83651.	City Hall, 500 12th Avenue South, Nampa, ID 83651.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2026	160038
Canyon	Unincorporated Areas of Canyon County (25–10–0458P).	The Honorable Brad Holton, Chair, Canyon County Board of Commissioners, 1115 Albany Street, Room 101, Caldwell, ID 83605..	Canyon County Planning and Zoning Department, 111 North 11th Avenue, #310, Caldwell, ID 83605.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2026	160208
Canyon	Unincorporated Areas of Canyon County (26–10–0043P).	The Honorable Brad Holton, Chair, Canyon County Board of Commissioners, 1115 Albany Street, Room 101, Caldwell, ID 83605.	Canyon County Planning and Zoning Department, 111 North 11th Avenue, #310, Caldwell, ID 83605.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2026	160208
Gooding	Unincorporated Areas of Gooding County (25–10–0555P).	The Honorable Mark Bolduc, Chair, Gooding County Board of Commissioners, 624 Main Street, Gooding, ID 83330.	Gooding County Planning and Zoning Department, 714 Main Street, Gooding, ID 83330.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 24, 2026	160227
Oregon:						
Columbia	City of Scappoose (23–10–0768P).	The Honorable Joseph A. Backus, Mayor, City of Scappoose, 33568 East Columbia Avenue, Scappoose, OR 97056.	City Hall, 33568 East Columbia Avenue, Scappoose, OR 97056.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 21, 2026	410039
Columbia	Unincorporated Areas of Columbia County (23–10–0768P).	The Honorable Casey Garrett, Commissioner, Columbia County Board of Commissioners, 251 Saint Helens Street, Saint Helens, OR 97051.	Columbia County Courthouse, 230 Strand Street, Saint Helens, OR 97051.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 21, 2026	410034
Jefferson	City of Madras (23–10–0778P).	The Honorable Michael Lepin, Mayor, City of Madras, 125 Southwest East Street, Madras, OR 97741.	City Hall, 125 Southwest East Street, Madras, OR 97741.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2026	410103
Jefferson	Unincorporated Areas of Jefferson County (23–10–0778P).	The Honorable Jeff Rasmussen, County Administrative Officer, Jefferson County, 66 Southeast D Street, Suite A, Madras, OR 97741.	Jefferson County, 66 Southeast D Street, Madras, OR 97741.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2026	410101
Utah: Cache	City of Logan (25–08–0648P).	The Honorable Mark A. Anderson, Mayor, City of Logan, 290 North 100 West, Logan, UT 84321.	Public Works Department, 290 North 100 West, Logan, UT 84321.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2026	490019
Washington:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Chelan	Unincorporated Areas of Chelan County (25–10–0512P).	Cathy Mulhall, County Administrator, Chelan County, 400 Douglas Street, Suite 201, Wenatchee, WA 98801.	Chelan County, County Building, 316 Washington Street, Wenatchee, WA 98801.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2026	530015
Grays Harbor	City of Westport (25–10–0662P).	The Honorable Ed Welter, Mayor, City of Westport, P.O. Box 505, Westport, WA 98595.	City Hall, 801 N Montesano Street, Westport, WA 98595.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	530067
Grays Harbor	Unincorporated Areas of Grays Harbor County (25–10–0662P).	Grays Harbor Board of County Commissioners, Attn: Clerk of the Board, Grays Harbor County, 100 West Broadway, Suite 1, Montesano, WA 98563.	Grays Harbor County, Planning and Building Division Administration Building, 100 West Broadway, Suite 31, Montesano, WA 98563.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2026	530057
King	City of Seattle (25–10–0702P)..	The Honorable Katie Wilson, Mayor, City of Seattle, 600 4th Avenue, Seattle, WA 98104.	City Hall, Office of the City Clerk, 600 4th Avenue, Seattle, WA 98104.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 21, 2026	530089

[FR Doc. 2026–23162 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of March 16, 2027 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Latimer County, Oklahoma and Incorporated Areas Docket No.: FEMA–B–2504	
Choctaw Nation of Oklahoma	Choctaw Nation of Oklahoma Headquarters, 1802 Chukka Hina, Durant, OK 74701.
City of Wilburton	City Hall, 300 West Main Street, Wilburton, OK 74578.
Town of Fanshawe	Town Hall, 39461 Main Street, Fanshawe, OK 74935.
Town of Red Oak	City Hall, 208 North Main Street, Red Oak, OK 74563.
Town of Talihina	Town Hall, 207 1st Street, Talihina, OK 74571.

Community	Community map repository address
Unincorporated Areas of Latimer County	Latimer County Commissioners Office, 109 North Central Avenue, Room 101, Wilburton, OK 74578.
Humphreys County, Tennessee and Incorporated Areas Docket No.: FEMA–B–2567	
City of McEwen	City Hall, 9586 U.S. Highway 70 East, McEwen, TN 37101.
City of Waverly	Building and Codes Department, 101 East Main Street, Waverly, TN 37185.
Unincorporated Areas of Humphreys County	Humphreys County Soil Conservation District, 234 West Blue Creek Road, Waverly, TN 37185.

[FR Doc. 2026–23167 Filed 11–12–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–2616).	City of Buckeye (26–09–0407X).	The Honorable Eric Orsborn, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	City Hall, 945 North 215th Avenue, Suite 137, Buckeye, AZ 85326.	Sep 18, 2026	040039
Maricopa (FEMA Docket No.: B–2616).	City of Chandler (24–09–0546P).	John Pombier, City Manager, City of Chandler, 175 South Arizona Avenue, Chandler, AZ 85225.	City Hall, 175 South Arizona Avenue, Chandler, AZ 85225.	Sep 11, 2026	040040
Maricopa (FEMA Docket No.: B–2616).	City of Glendale (25–09–0819P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	Municipal Building, 5850 West Glendale Avenue, Glendale, AZ 85301.	Sep 18, 2026	040045
Maricopa (FEMA Docket No.: B–2616).	City of Goodyear (25–09–0819P).	The Honorable Joe Pizzillo, Mayor, City of Goodyear, 1900 North Civic Square, Goodyear, AZ 85395.	Development Services Department, 1900 North Civic Square, Goodyear, AZ 85395.	Sep 18, 2026	040046

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Maricopa (FEMA Docket No.: B–2616).	City of Surprise (24–09–0192P).	The Honorable Kevin Sartor, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	City Hall, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Sep 11, 2026	040053
Maricopa (FEMA Docket No.: B–2616).	Unincorporated Areas of Maricopa County (24–09–0192P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Sep 11, 2026	040037
Maricopa (FEMA Docket No.: B–2616).	Unincorporated Areas of Maricopa County (25–09–0819P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Sep 18, 2026	040037
Maricopa (FEMA Docket No.: B–2616).	Unincorporated Areas of Maricopa County (26–09–0406X).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Sep 18, 2026	040037
Maricopa (FEMA Docket No.: B–2616).	Unincorporated Areas of Maricopa County (26–09–0407X).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Sep 18, 2026	040037
Pima (FEMA Docket No.: B–2616).	Town of Oro Valley (26–09–0352X).	The Honorable Joe Winfield, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	Town Hall, 11000 North La Canada Drive, Oro Valley, AZ 85737.	Sep 10, 2026	040109
California:					
Riverside (FEMA Docket No.: B–2616).	City of Moreno Valley (26–09–0057P).	The Honorable Ulises Cabrera, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92552.	Public Works Department, 14177 Frederick Street, Moreno Valley, CA 92552.	Sep 21, 2026	065074
San Diego (FEMA Docket No.: B–2616).	Unincorporated Areas of San Diego County (25–09–0691P).	Ebony N. Shelton, Chief Administrative Officer, San Diego County, 1600 Pacific Highway, Room 209, San Diego, CA 92101.	San Diego County, Planning and Development Services, 1600 Pacific Highway, San Diego, CA 92101.	Sep 4, 2026	060284
San Mateo (FEMA Docket No.: B–2616).	City of Belmont (24–09–0381P).	The Honorable Julia Mates, Mayor, City of Belmont, 1 Twin Pines Lane, Belmont, CA 94002.	Public Works Department, 1 Twin Pines Lane, Belmont, CA 94002.	Sep 11, 2026	065016
San Mateo (FEMA Docket No.: B–2616).	City of Foster City (24–09–0381P).	The Honorable Art Kiesel, Mayor, City of Foster City, 610 Foster City Boulevard, Foster City, CA 94404.	Public Works Department, 610 Foster City Boulevard, Foster City, CA 94404.	Sep 11, 2026	060318
San Mateo (FEMA Docket No.: B–2616).	City of San Mateo (24–09–0381P).	The Honorable Adam Loraine, Mayor, City of San Mateo, 330 West 20th Avenue, San Mateo, CA 94403.	Public Works Department, 330 West 20th Avenue, San Mateo, CA 94403.	Sep 11, 2026	060328
Colorado:					
Boulder (FEMA Docket No.: B–2616).	Unincorporated Areas of Boulder County (25–08–0638P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community, Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	Sep 3, 2026	080023
Boulder (FEMA Docket No.: B–2616).	Unincorporated Areas of Boulder County (25–08–0713P).	The Honorable Claire Levy, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community, Planning and Permitting Building, 2045 13th Street, Boulder, CO 80302.	Sep 21, 2026	080023
Jefferson (FEMA Docket No.: B–2616).	City of Westminster (25–08–0416P).	The Honorable Claire Carmelia, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	City Hall, 4800 West 92nd Avenue, Westminster, CO 80031.	Sep 11, 2026	080008
Jefferson (FEMA Docket No.: B–2616).	Unincorporated Areas of Jefferson County (25–08–0416P).	The Honorable Andy Kerr, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County, Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.	Sep 11, 2026	080087
Larimer (FEMA Docket No.: B–2616).	Town of Wellington (24–08–0379P).	The Honorable Rebekka Dailey, Mayor, Town of Wellington, P.O. Box 127, Wellington, CO 80549.	Town Hall, 3735 Cleveland Street, Wellington, CO 80549.	Sep 18, 2026	080104
Larimer (FEMA Docket No.: B–2616).	Unincorporated Areas of Larimer County (24–08–0379P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County, Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	Sep 18, 2026	080101
Larimer (FEMA Docket No.: B–2616).	Unincorporated Areas of Larimer County (25–08–0337P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County, Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	Sep 10, 2026	080101
Larimer (FEMA Docket No.: B–2616).	Unincorporated Areas of Larimer County (25–08–0628P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County, Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	Sep 10, 2026	080101
Pitkin (FEMA Docket No.: B–2616).	Unincorporated Areas of Pitkin County (25–08–0407P).	Kara Silbernagel, Pitkin County Manager, 530 East Main Street, Aspen, CO 81611.	Pitkin County Administrative Building, 530 East Main Street, Suite 205, Aspen, CO 81611.	Sep 4, 2026	080287
Idaho: Kootenai (FEMA Docket No.: B–2616).	Unincorporated Areas of Kootenai County (25–10–0698P).	The Honorable Bruce Mattare, Kootenai County Board of County Commissioners, P.O. Box 9000, Coeur d'Alene, ID 83816.	Kootenai County Building, 451 North Government Way, Coeur d'Alene, ID 83814.	Sep 16, 2026	160076
Montana: Madison (FEMA Docket No.: B–2616).	Unincorporated Areas of Madison County (25–08–0693P).	The Honorable Ronald E. Nye, Chair, Madison County Board of Commissioners, 111 East Wallace, Virginia City, MT 59755.	Madison County Planning Department, 7 Placer Loop, Virginia City, MT 59755.	Sep 18, 2026	300043
Oregon: Jackson (FEMA Docket No.: B–2616).	Unincorporated Areas of Jackson County (26–10–0137X).	Danny Jordan, Jackson County Administrator, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	Jackson County Courthouse, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	Sep 3, 2026	415589
Washington:					
King (FEMA Docket No.: B–2616).	City of Seattle (25–10–0544P).	The Honorable Katie Wilson, Mayor, City of Seattle, P.O. Box 94749, Seattle, WA 98124.	City Hall, 600 4th Avenue, Seattle, WA 98104.	Sep 14, 2026	530089

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
King (FEMA Docket No.: B–2616).	City of Tukwila (24–10–0399P).	The Honorable Thomas McLeod, Mayor, City of Tukwila, 6200 Southcenter Boulevard, Tukwila, WA 98188.	Public Works, 6300 Southcenter Boulevard, Suite 200, Tukwila, WA 98188.	Sep 14, 2026	530091
Kittitas (FEMA Docket No.: B–2616).	Unincorporated Areas of Kittitas County (24–10–0036P).	The Honorable Laura Osiadacz, Chair, Kittitas County Board of Commissioners, 205 West 5th Avenue, Suite 108, Ellensburg, WA 98926.	Kittitas County Department of Public Works, 411 North Ruby Street, Suite 1, Ellensburg, WA 98926.	Sep 11, 2026	530095

[FR Doc. 2026–23161 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2640]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before February 11, 2027.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2640, to David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Jackson County, Florida and Incorporated Areas Project: 19–04–0022S Preliminary Date: May 22, 2024	
City of Graceville	City Hall, 5348 Cliff Street, Graceville, FL 32440.
City of Jacob City	Town Hall, 4490 Jackson Road, Jacob City, FL 32341.
Unincorporated Areas of Jackson County	Planning Division, 4979 Healthy Way, Suite B, Marianna, FL 32446.
Washington County, Florida and Incorporated Areas Project: 19–04–0022S Preliminary Date: May 22, 2024	
City of Chipley	City Hall, 1442 Jackson Avenue, Chipley, FL 32428.
Town of Caryville	Town Hall, 4436 Old Spanish Trail, Caryville, FL 32427.
Unincorporated Areas of Washington County	Washington County Government Offices, 1331 South Boulevard, Chipley, FL 32428.
Johnson County, Kentucky and Incorporated Areas Project: 24–04–0012S Preliminary Date: June 2, 2026	
Unincorporated Areas of Johnson County	Johnson County Judge's Office, 230 Court Street, Paintsville, KY 41240.
Lawrence County, Kentucky and Incorporated Areas Project: 24–04–0012S Preliminary Date: June 02, 2026	
City of Louisa	City Hall, 215 North Main Cross Street, Louisa, KY 41230.
Unincorporated Areas of Lawrence County	Lawrence County Judge's Office, 122 South Main Cross Street, 2nd Floor, Louisa, KY 41230.
Johnson County, Nebraska and Incorporated Areas Project: 25–07–0046S Preliminary Date: June 4, 2026	
City of Tecumseh	City Hall, 122 South 4th Street, Tecumseh, NE 68450.
Unincorporated Areas of Johnson County	Johnson County Courthouse, 351 Broadway Street, Tecumseh, NE 68450.
Village of Cook	Village Office, 121 West Main Street, Cook, NE 68329.
Village of Crab Orchard	Community Building, 72498 Canfield Street, Crab Orchard, NE 68332.
Village of Elk Creek	Village Office, 363 Main Street, Elk Creek, NE 68348.
Village of Sterling	Village Office, 140 Broadway Street, Sterling, NE 68443.
Pawnee County, Nebraska and Incorporated Areas Project: 25–07–0052S Preliminary Date: June 17, 2026	
City of Pawnee City	City Office, 605 G Street, Pawnee City, NE 68420.
Pawnee County Unincorporated Areas	Pawnee County Courthouse, 625 6th Street, Pawnee City, NE 68420.
Village of Burchard	Village Office, 301 2nd Street, Burchard, NE 68323.
Village of DuBois	Village Office, 308 Miner Street, DuBois, NE 68345.
Village of Steinauer	Village Office, 215 Main Street, Steinauer, NE 68441.
Village of Table Rock	Village Office, 412 Houston Street, Table Rock, NE 68447.
Bandera County, Texas and Incorporated Areas Project: 24–06–0045S Preliminary Date: June 10, 2026	
Unincorporated Areas of Bandera County	Bandera County Engineer's Office, 1212 Hackberry Street, Bandera, TX 78003.

[FR Doc. 2026–23165 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas: Benton (FEMA Docket No.: B–2613).	City of Rogers (24–06–1558P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	City Hall, 301 West Chestnut Street, Rogers, AR 72756.	Jul. 6, 2026	050013
Florida:					
Clay (FEMA Docket No.: B–2613).	Unincorporated areas of Clay County (25–04–3273P).	The Honorable Kristen Burke, Chair, Clay County Board of Commissioners, 477 Houston Street, Green Cove Springs, FL 32043.	Clay County Administration Building, 477 Houston Street, Green Cove Springs, FL 32043.	Jul. 6, 2026	120064
Lee (FEMA Docket No.: B–2613).	Unincorporated areas of Lee County (25–04–6830P).	David Harner, Manager, Lee County, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Community Development and Public Works Center, 1500 Monroe Street, 2nd Floor, Fort Myers, FL 33901.	Jun. 30, 2026	125124
Marion (FEMA Docket No.: B–2613).	Unincorporated areas of Marion County (25–04–2499P).	Mounir Bouyounes, Marion County Administrator, 601 Southeast 25th Avenue, Ocala, FL 34471.	Marion County Growth Services—Planning & Zoning, 2710 East Silver Springs Boulevard, Ocala, FL 34470.	Jun. 30, 2026	120160
Georgia: Gwinnett (FEMA Docket No.: B–2613).	Unincorporated areas of Gwinnett County (25–04–5966P).	Nicole Love Hendrickson, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Innovation Square, 446 West Crogan Street, Suite 300, Lawrenceville, GA 30046.	Jun. 8, 2026	130322
Louisiana: Calcasieu (FEMA Docket No.: B–2613).	Unincorporated areas of Calcasieu Parish (25–06–0226P).	The Honorable Brian Abshire, President, Calcasieu Parish Police Jury, P.O. Box 1583, Lake Charles, LA 70602.	Calcasieu Parish Planning and Development, 901 Lakeshore Drive, 5th floor, Lake Charles, LA 70601.	Jun. 22, 2026	220037
North Carolina:					
Cabarrus (FEMA Docket No.: B–2617).	Town of Harrisburg (25–04–3420P).	The Honorable Jennifer Teague, Mayor, Town of Harrisburg, P.O. Box 100, Harrisburg, NC 28075.	Town Hall, 400 Main Street, Suite 101, Harrisburg, NC 28075.	Jun. 26, 2026	370038
Durham (FEMA Docket No.: B–2617).	City of Durham (25–04–6256P).	The Honorable Leonardo Williams, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	Durham City-County Planning Department, 101 City Hall Plaza, Durham, NC 27701.	Jun. 22, 2026	370086
Durham (FEMA Docket No.: B–2617).	Unincorporated areas of Durham County (25–04–6256P).	Mike Lee, Chair, Durham County Board of Commissioners, 200 East Main Street, Durham, NC 27701.	Durham City-County Planning Department, 101 City Hall Plaza, Durham, NC 27701.	Jun. 22, 2026	370085
Randolph (FEMA Docket No.: B–2617).	Unincorporated areas of Randolph County (25–04–6440P).	Darrell Frye, Chair, Randolph County Board of Commissioners, 725 McDowell Road, Asheboro, NC 27205.	Randolph County Planning and Zoning, 204 East Academy Street, Asheboro, NC 27203.	Jun. 22, 2026	370195

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Wake (FEMA Docket No.: B–2617).	City of Raleigh (25–04–4809P).	The Honorable Janet Cowell, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	Planning and Development, 219 Fayetteville Street, Raleigh, NC 27601.	Jun. 29, 2026	370243
Wake (FEMA Docket No.: B–2617).	Unincorporated areas of Wake County (25–04–4809P).	Don Mial, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Planning Department, 336 Fayetteville Street #500, Raleigh, NC 27601.	Jun. 29, 2026	370368
South Carolina: Berkeley (FEMA Docket No.: B–2613).	Unincorporated areas of Berkeley County (25–04–2838P).	The Honorable Johnny Cribb, Berkeley County Supervisor, 1003 North Highway 52, Moncks Corner, SC 29461.	Berkeley County Planning and Zoning Department, 1003 North Highway 52, Moncks Corner, SC 29461.	Jun. 18, 2026	450029
Tennessee: Davidson (FEMA Docket No.: B–2613).	Metropolitan Government of Nashville-Davidson County (24–04–5184P).	The Honorable Freddie O'Connell, Mayor, Metropolitan Government of Nashville and Davidson County, 1 Public Square, Suite 100, Nashville, TN 37201.	Metropolitan Government of Nashville-Davidson County, Metro Water Services, 1607 County Hospital Road, Nashville, TN 37218.	Jun. 29, 2026	470040
Texas:					
Denton (FEMA Docket No.: B–2613).	Unincorporated areas of Denton County (26–06–0527P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton, TX 76208.	Jul. 2, 2026	480774
Hill (FEMA Docket No.: B–2613).	City of Hillsboro (25–06–1230P).	The Honorable M. Scott Johnson, Mayor, City of Hillsboro, P.O. Box 568, Hillsboro, TX, 76645.	City Administration, 214 East Elm Street, Hillsboro, TX 76645.	Jun. 5, 2026	480351
Tarrant (FEMA Docket No.: B–2613).	City of Fort Worth (24–06–0940P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works—Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	Jul. 6, 2026	480596
Virginia: Prince William (FEMA Docket No.: B–2613).	Unincorporated areas of Prince William County (25–03–0542P).	The Honorable Christopher Shorter, Executive, Prince William County, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	Jun. 22, 2026	510119

[FR Doc. 2026–23160 Filed 11–12–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7109–N–12; OMB Control No.: 2577–0275]

60-Day Notice of Proposed Information Collection: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 11, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Dawn Martin, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Dawn Martin, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *PIH-PRAPublicComments@hud.gov;* telephone (202) 402–6488. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Ms. Martin.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units.

OMB Control Number: 2577–0275.

Type of Request: Renewal with change of a currently approved collection.

Form Numbers: HUD–50156, HUD–50157, HUD–50158, HUD–50159, HUD–50160, HUD–50161, and HUD–52190. This PRA also includes one new form: Proposals for Change in Ownership and Refinancing of Mixed-Finance Projects (HUD–50162).

Description of the need for the information and proposed use: The Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, approved October 21, 1998), also known as the Public Housing Reform Act, created section 35 of the U.S. Housing Act of 1937, 42 U.S.C. 1437z–7. Section 35 allows public housing agencies (PHAs) to own, operate, assist, or otherwise participate in the development and operation of mixed-finance development projects. Mixed-finance development refers to the development or rehabilitation of public housing; whereby public housing units are owned in whole or in part by an

entity other than a PHA. Prior to section 35, all public housing had to be developed and owned by a PHA. However, section 35 allows PHAs to provide section 9 Capital Funds and Operating Funds to mixed-finance projects, which are also financially assisted by private financing and other resources, including tax credit equity, private mortgages, and other Federal, State, or local funds. Section 35 also allows non-PHA owner entities to own and operate mixed-finance projects that contain only public housing units or both public housing and non-public housing units. Mixed-finance development or rehabilitation transactions also help to extend public housing appropriations for housing development and to support the development of mixed-income housing in which public housing residents are anonymously mixed in with affordable and market rate housing residents.

The regulations that govern the processing of mixed-finance public housing projects are at 24 CFR part 905, subpart F. Specifically, regulations at 24 CFR 905.606 state that a development proposal must be submitted to HUD to facilitate approval of the development of public housing. The subsection also lists the information that is required in the proposal. In accordance with these regulations, HUD collects certain information from each PHA/Ownership Entity using the collection documents in this Information Collection Request (ICR). Specifically, HUD collects and reviews development proposal materials, which includes the Development Proposal Calculator (HUD–50156) and the Mixed-Finance Development Proposal (HUD–50157) or the Mixed-Finance Homeownership Term Sheet (HUD–50159). HUD also collects the Certifications and Assurances forms, including the Mixed-Finance and Homeownership Pre-Funding Certifications and Assurances form (HUD–50160) for all projects as well as the Mixed-Finance Certifications and Assurances form (HUD–50161) for rental projects and the Mixed-Finance Homeownership Certifications and Assurances form (HUD–50158) for homeownership projects. Finally, as required by regulations, HUD collects and reviews draft legal documents prior to granting its approval to ensure that the projects are legally bound to comply with all applicable public housing requirements. This includes the Declaration of Trust/Restrictive Covenants (HUD–52190) as well as the draft, unique legal documents in this ICR. After its approval is given and the project has its financial closing, HUD collects and reviews the final, executed versions of the required legal documents to confirm that they were executed and, when required, recorded in the order approved by HUD. If a project undergoes a change in ownership or a refinancing after its approval by HUD, HUD collects the information it needs to approve such a change through its form titled Proposals for Changes in Ownership or Financing of a Mixed-Finance Project (HUD–50162).

HUD reviews all the materials included in this ICR to verify that the proposed mixed-finance development has sufficient funds to reach completion; will remain financially viable during its operating period; will follow HUD's legal and programmatic guidelines for housing project development or rehabilitation, ownership, and use restrictions; and will preserve HUD's rights to the project during its HUD-required affordability period. The information on HUD-prescribed forms and in HUD-prescribed contracts and agreements, along with other supplemental information called for in 24 CFR part 905, allows HUD to determine whether the project should be approved, whether funds should or should not be reserved, or if a contractual commitment should be made.

HUD's Mixed-Finance Development Proposal and associated documents can also be used to facilitate the approval of non-public housing developments whose development and/or operations are supported with section 9 funds. For instance, Choice Neighborhoods grantees must use the Mixed-Finance Development Proposal to obtain HUD approval of their proposed housing development projects, even if those projects do not include public housing units. The proposal notes requirements that apply to Choice Neighborhoods grantees specifically.

This ICR was last updated in fiscal year 2023. Since that time, HUD updated the Mixed-Finance Development Proposal to make it easier for PHAs to complete by grouping information in a more intuitive order, providing better instructions, and better defining key terms. HUD also removed certain evidentiary documents—including the tenant lease, management plan, and management agreement—because HUD no longer reviews them. HUD updated the Declaration of Trust/Declaration of Restriction Covenants (Form HUD–2190) to incorporate language that PHAs commonly request to include via a rider. HUD also added a new form to help it review and approve a growing number of PHAs' requests to change the financing of or the ownership of existing Mixed-Finance developments. Finally, HUD also removed the Faircloth to Rental Assistance Demonstration (RAD)-specific development proposal because it is no longer necessary.

Respondents: PHAs, Developers.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Form HUD–50156: Development Proposal Calculator	40	1	40	4	160	$69	$11,040
Form HUD–50157: Mixed-Finance Development Proposal	40	1	40	16	640	69	44,160
Form HUD–50158: Mixed-Finance Homeownership Certifications and Assurances	5	1	5	0.25	1.25	69	86
Form HUD–50159: Mixed-Finance Homeownership Term Sheet	5	1	5	16	80	69	5,520
Form HUD–50160: Mixed-Finance and Homeownership Pre-Funding Certifications and Assurances	5	1	5	0.25	1.25	69	86
Form HUD–50161: Mixed-Finance Certifications and Assurances	40	1	40	0.25	10	69	690
Form HUD 52190: Declaration of Trust/Restrictive Covenants	40	1	40	0.25	10	69	690

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Form HUD–50162: Proposals for Changes in Ownership or Financing of a Mixed-Finance Project	40	1	40	10	400	69	27,600
Unique Legal Document: Mixed-Finance Amendment to the Annual Contributions Contract	40	1	40	12	480	69	33,120
Unique Legal Document: Regulatory and Operating Agreement	40	1	40	8	320	69	22,080
Unique Legal Document: Ground Lease and Memorandum of Ground Lease	40	1	40	24	960	69	66,240
Unique Legal Document: American Land Title Association (ALTA) Survey	40	1	40	12	480	69	33,120
Unique Legal Document: Mixed-Finance Legal Opinion	40	1	40	1	40	69	2,760
Unique Legal Document: Mixed-Finance Final Title Policy	40	1	40	16	640	69	44,160
Unique Legal Document: Mixed-Finance Homeownership Addendum	5	1	5	16	80	69	5,520
Unique Legal Document: Mixed-Finance Homeownership Declaration of Restrictive Covenants	5	1	5	0.25	1.25	69	86
Total	465		465		4,303.75		296,958

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

44 U.S.C. 3507.

Laura Kunkel,

Chief, Office of Policy, Program, and Legislative Initiatives.

[FR Doc. 2026–23071 Filed 11–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7096–N–01; OMB Control No.: 2501–0018]

60-Day Notice of Proposed Information Collection: Federal Labor Standards Questionnaire(s); Complaint Intake Form

AGENCY: Office of Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 12, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Jasmy Methipara, Management and Program Analyst, FPM, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jasmy Methipara, Management and Program Analyst, FPM, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email *Jasmy.a.methipara@hud.gov,* telephone 202–402–2188. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Jasmy Methipara.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Federal Labor Standards Questionnaire(s), Complaint Intake Form.

OMB Approval Number: 2501–0018.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–4730, HUD–4731, HUD–4010, HUD–4720.

Description of the need for the information and proposed use: The information is used by HUD to fulfill its obligation to enforce Federal labor standards provisions, especially to act upon allegations of labor standards violations. The information collected on the 4730 questionnaires is primarily used to determine whether payroll information supplied by employers is valid. Information collected on the HUD 4731, Federal Labor Standard Complaint Intake form, is used by HUD and agencies administering HUD programs to collect information from complainants alleging violations of federal labor standards on HUD-assisted projects. The information collected in the 4730 and 4731 are used in the investigations into the allegations. 4720 is an optional tool for contractors to develop a reference document for wage rates. 4010 is a read-only form that establishes the federal labor standards requirements contractors and subcontractors must follow in contracts and bid solicitations.

Respondents: contractors, laborers and mechanics employed on HUD-assisted projects;

Estimated Number of Respondents: 8,950.

Estimated Number of Responses: 8,950.

Frequency of Response: 1.

Average Hours per Response: 0.5.

Total Estimated Burdens: 4,450.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–4730E–English Federal Labor Standards Questionnaire	400	1	400	.50	200	$42.50	$8,500
HUD–4731 Complaint Intake Form	500	1	500	.50	250	42.50	10,625
New Forms:							
HUD–4010 Federal Labor Standards Provisions	8,000	1	8,000	.50	4000	42.50	170,000
HUD–4720 Project Wage Rate Sheet	50	1	50	.50	25	42.50	1,062.50
Total	8,950	4	8,950	2	4475	42.50	190,187.50

* Estimated cost per hour is based on Bureau of Labor Statistics, May 2026 National Occupational Employment and Wages Estimates, US for 13–1041, Compliance Officer mean hourly wage.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Christopher D. Taylor,

Director, Field Policy and Management.

[FR Doc. 2026–23069 Filed 11–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7096–N–02; OMB Control No.: 2501–0021]

60-Day Notice of Proposed Information Collection: Federal Labor Standards Payee Verification and Payment Processing

AGENCY: Office of Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 12, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Jasmy Methipara, Management and Program Analyst, FPM, Department of Housing and Urban Development, 451 7th Street, SW, Room 8210, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jasmy Methipara, Management and Program Analyst, FPM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; email *Jasmy.a.methipara@hud.gov,* telephone (202) 402–2188. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Jasmy Methipara.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Labor Standards Deposit Account Voucher.

OMB Approval Number: 2501–0021.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–4734, HUD–4732, HUD–4733.

Description of the need for the information and proposed use: HUD, State, local and Tribal housing agencies administrating HUD-assisted programs must enforce Federal Labor Standards requirements, including the payment of prevailing wage rates to laborers and mechanics employed on HUD-assisted construction and maintenance work that is covered by these requirements. Enforcement activities include securing funds to ensure the payment of wage restitution that has been or may be found due to laborers and mechanics who were employed on HUD-assisted projects. Also, funds are collected for the payment to the U.S. Department of Treasury of liquidated damages that were assessed for violations of Contract Work Hours and Safety Standards Act (CWHSSA). If the labor standards discrepancies are resolved, HUD refunds associated amounts to the depositor. As underpaid laborers and mechanics are located, HUD sends wage restitution payments to the workers.

Respondents: Laborers and mechanics employed on HUD-assisted projects.

Estimated Number of Respondents: 39.

Estimated Number of Responses: 39.

Frequency of Response: 3.

Average Hours per Response: 0.30.

Total Estimated Burdens: 3.9.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Form HUD 4734 DBLS Deposit Voucher	15	1	15	.10	1.5	$42.50	$63.75
Form HUD–4732 Labor Standards Deposit Agreement	12	1	12	.10	1.2	42.50	51.00
Form HUD–4733 Wire Transfer Instructions for Labor Standards Deposit Accounts	12	1	12	.10	1.2	42.50	51.00
Total	39	3	39	.30	3.9	$42.50	$165.75

* Estimated cost per hour is based on Bureau of Labor Statistics, May 2026 National Occupational Employment and Wages Estimates, US for 13–1041, Compliance Officer mean hourly wage.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Christopher D. Taylor,

Director, Field Policy and Management.

[FR Doc. 2026–23070 Filed 11–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–OC–2026–4654; FXGO166009OC000–278–FF09X00000]

Hunting and Shooting Sports Conservation and Access Council; Request for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Department of the Interior (DOI) is seeking member nominations to the Hunting and Shooting Sports Conservation and Access Council (Council). Individuals who submitted a cover letter and resume in response to the April 21, 2026, and October 7, 2026, request for nominations do not need to resubmit for this request. The Council will provide recommendations to the Federal Government, through the Secretary of the Interior (Secretary) and the Secretary of Agriculture, regarding the establishment and implementation of existing and proposed policies and authorities with regard to wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, sporting conservation organizations, and Federal, State, Tribal, and Territorial governments; benefit hunting and the shooting sports; and increase public access to hunting and the shooting sports.

DATES: Nominations for the Council must be submitted no later than November 30, 2026.

ADDRESSES: You may submit nominations to Douglas Hobbs via email at *doug_hobbs@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Designated Federal Officer (DFO), by telephone at (703) 358–2336, or by email at *doug_hobbs@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Council is established under the authority of the Secretary and regulated by the Federal Advisory Committee Act, as amended (5 U.S.C. Ch. 10). The Council's duties are strictly advisory and consist of, but are not limited to,

(a) Assessing the implementation of current and future Executive Orders, Secretary's Orders, Secretarial memos, and Director's Orders that pertain to the objective of the Council, and providing recommendations to enhance and expand their implementation;

(b) Conducting a review of public lands to identify any areas currently unreachable or unavailable for public hunting opportunities and recommending solutions or options to increase access;

(c) Making recommendations regarding policies and programs that:

1. conserve and restore wetlands, grasslands, forests, and other important wildlife habitats, and improve management and restoration of rangelands and agricultural lands to benefit wildlife and enhance hunting and wildlife-associated recreation;

2. promote opportunities for hunting and/or expand access to hunting, shooting sports and wildlife-associated recreation on public lands;

3. improve and enhance agency infrastructure that benefit wildlife and their habitats, that enhance public access to hunting and shooting sports opportunities on public lands and other related and lawful uses in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814) and the Great American Outdoors Act (Pub. L. 115–162);

4. encourage hunting and shooting sports safety, including through development of ranges on public lands;

5. recruit and retain new hunters and shooting sports enthusiasts whose participation helps support wildlife conservation and increased access and opportunities through the North American Model of Conservation;

6. increase public awareness of the importance of wildlife conservation and the social and economic benefits of hunting and the shooting sports; and

7. encourage coordination among the public; the hunting and shooting sports communities; wildlife conservation groups; and Federal, State, Tribal and Territorial governments to better utilize natural resources while providing for conservation.

(d) When requested by the DFO in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups for consideration and approval of full Council.

The Council will meet at least two times per year. The Secretary will appoint members and alternates to the Council to serve up to a 3-year term. The Council will not exceed 18 primary representative members, up to 18 alternate representative members, and 4 ex officio members. Ex officio members will include: Secretary or designated DOI representatives; Secretary of Agriculture or designated Department of Agriculture representative; and Executive Director, Association of Fish and Wildlife Agencies.

The Secretary will select remaining members from among, but not limited to, the organization/interests listed below. These members must be senior-level representatives of their organization and/or have the ability to represent their designated constituencies.

- State fish and wildlife management agencies;
- Wildlife and habitat conservation/management organizations;
- Shooting sports interests;
- Gamebird hunting organizations;
- Waterfowl hunting organizations;
- Big game hunting organizations;
- U.S. hunters actively engaged in domestic and/or international hunting conservation;
- The firearms or ammunition manufacturing industry;
- Archery interests;
- Wildlife-associated recreation interests;
- Tourism, outfitter, and/or guide businesses related to hunting and/or wildlife conservation;
- Tribal resource management organizations;
- Agriculture interests;
- Ranching interest; and
- Veterans service organizations.

Member Terms and Vacancies To Fill

Each representative member is appointed to serve up to a 3-year term. We are requesting nominations to fill vacancies to represent organizations/interests listed above.

Nomination Method and Information

Nominations should include a cover letter and resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding the ability of a nominee to meet the membership requirements of the Council and the national interest potentially represented by a nominee, and to permit DOI to contact a potential member. Individuals who submitted a cover letter and resume in response to the April 21, 2026, and October 7, 2026, request for nominations do not need to resubmit for this request.

Members of the Council serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council or subcommittee business that the DFO approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

(Authority: 5 U.S.C. Ch. 10.)

Janine Velasco,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 2026–23153 Filed 11–12–26; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Final)]

Freight Rail Couplers and Parts Thereof From Czech Republic and India; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of freight rail couplers and parts thereof (''freight rail couplers'') from Czech Republic and India, provided for in subheading 8607.30.10 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and imports of the subject merchandise from India that have been found to be subsidized by the government of India.[2] [3]

Background

The Commission instituted these investigations effective July 23, 2025, following receipt of petitions filed with the Commission and Commerce by the Coalition of Freight Coupler Producers, comprised of McConway & Torley LLC, Pittsburgh, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of freight rail couplers from India were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of freight rail couplers from Czech Republic and India were sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 60588, 91 FR 60595, and 91 FR 60598 (September 24, 2026).

[3] Commissioner Samuel T. Negatu not participating.

the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 29, 2026 (91 FR 32091). The Commission conducted its hearing on September 15, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on November 9, 2026. The views of the Commission are contained in USITC Publication 5805 (November 2026), entitled *Freight Rail Couplers and Parts Thereof from Czech Republic and India: Investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Final).*

By order of the Commission.

Issued: November 9, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–23108 Filed 11–12–26; 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 Streaming Devices and Components Thereof, DN 3950;* 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 Truesight Communications, LLC on November 9, 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 streaming devices and components thereof. The complaint names as a respondent: Apple. Inc. of Cupertino, CA; ASUSTek Computer Inc. of Taiwan; ASUS Computer International of Fremont, CA; BLU Products, Inc. of Doral, FL; Google LLC of Mountain View, CA; Hisense Co., Ltd. of China; Hisense Visual Technology Co., Ltd. of China; Hisense USA Corporation of Suwanee, GA; Hisense Electronics Manufacturing Company of America Corporation of Suwanee, GA; Hisense Monterrey Home Appliance Manufacturing, S. de R.L. de C.V. of Mexico; OnePlus Technology (Shenzhen) Co., Ltd. of China; Walmart Inc. of Bentonville, AR; Shenzhen Tinno Mobile Technology Corp. of China; Xiaomi Corporation of Cayman Islands; Xiaomi H.K. Ltd. of China; Xiaomi Communications, Co., Ltd. of China; Xiaomi Inc. of China; Xiaomi Technology Netherlands B.V. of The Netherlands; and Xiaomi Technology UK Limited of England. 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 (5:15 p.m.),[1] eight calendar days after publication of this notice in the **Federal Register**. Complainant(s) may file replies to any written submissions no later than three calendar days after the date on which the written submissions were due. Notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure, the deadlines for written submissions and replies shall be counted by calendar days starting with the first calendar day following the **Federal Register** publication date or the due date for written submissions, respectively. The provisions of § 201.14(a) regarding the last day of the period still apply concerning the due date of any filings. 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.

[1] *See* 19 CFR 201.3(c).

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. 3950'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [2]). 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,[3] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[4]

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: November 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–23178 Filed 11–12–26; 8:45 am]

BILLING CODE 7020–02–P

[2] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[3] All contract personnel will sign appropriate nondisclosure agreements.

[4] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act, Clean Water Act, and Resource Conservation and Recovery Act

On November 9, 2026, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Montana in the lawsuit entitled *United States* v. *Crow Tribe of Montana and Crow Public Utilities,* Civil Action No. 1:26–cv–00111–TJC.

The United States filed a lawsuit against the Crow Tribe of Montana and the Crow Public Utilities (collectively, ''Defendants'') alleging violations of the Safe Drinking Water Act, Clean Water Act, and Resource Conservation and Recovery Act. The United States' complaint seeks civil penalties and injunctive relief for violations at Defendants' three public drinking water systems, three wastewater treatment facilities, and various solid waste facilities and open dumps, all located within the boundaries of the Crow Indian Reservation in Montana. The proposed consent decree requires injunctive relief to bring Defendants' facilities into compliance and payment of a $1,750 civil penalty based on Defendants' limited ability to pay a civil penalty.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Energy and Natural Resources Division, and should refer to *United States* v. *Crow Tribe of Montana and Crow Public Utilities,* D.J. Ref. No. 90–5–1–1–12359. 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.

Under section 7003(d) of the Resource Conservation and Recovery Act, a commenter may request an opportunity for a public meeting in the affected area. Any comments submitted in writing or at a public meeting may be filed 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 consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Jason A. Dunn,

Assistant Section Chief, Environmental Enforcement Section, Energy and Natural Resources Division.

[FR Doc. 2026–23137 Filed 11–12–26; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: U.S. National Science Foundation.

ACTION: Notice of Permit Applications Received.

SUMMARY: The U.S. National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 14, 2026. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, U.S. National Science Foundation, 401 Dulany Street, Alexandria, Virginia 22314 or *ACApermits@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703–292–4479.

SUPPLEMENTARY INFORMATION: The U.S. National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 16 U.S.C. 2401 *et seq.*), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–

227), has developed regulations (45 CFR parts 670 to 674) for the establishment of a permit system for various activities in Antarctica related to the designation of certain animals and certain geographic areas as requiring special protection, among other purposes.

Application Details

Permit Application: 2027–001

1. *Applicant:* Paul Ponganis, CMBB, Scripps Institution of Oceanography, UCSD, La Jolla, CA 92093–0204.

Activity for Which Permit Is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Area (45 CFR 670). The applicant proposes continuing ongoing research examining the oxygen transport systems of emperor penguins (*Aptenodytes forsteri*) in Antarctica. The applicant proposes capturing up to 35 non-breeding or sub-adult penguins from the McMurdo Sound region or, if necessary, in Cape Washington (ASPA 173). If needed, the applicant will access ASPA 173 by fixed-wing aircraft in accordance with the ASPA management plan. Throughout the course of the physiology study, penguins will be kept captive on the sea ice, but will be allowed to dive and forage at will. Research activities involve the administration of general anesthesia and the attachment of instrumentation to measure oxygen levels, heart rate/stroke rate, and dive depth/activity. In some penguins, blood samples may be collected during dives. Up to 20 samples will be collected and stored at McMurdo Station for later analysis. At the end of each dive study, equipment will be removed, and the penguins will be released at the McMurdo sea ice edge, where they will be able to rejoin nearby colonies.

Location: McMurdo Sound, ASPA 173—Cape Washington and Silverfish Bay.

Dates of Permitted Activities: October 1, 2026–December 20, 2026.

Permit Application: 2027–002

2. *Applicant:* Michael Gooseff, University of Colorado Boulder, 4001 Discovery Dr., Boulder CO, 80303.

Activity for Which Permit Is Requested: Take, Enter Antarctic Specially Protected Area (45 CFR 670). The applicant proposes to enter ASPA 131, Canada Glacier, Lake Fryxell, to continue operation of a previously installed, continuously recording stream gauge station, perform maintenance, conduct stream flow measurements and collect water quality samples near the stream gauge site. The applicant would collect water quality samples of the melt-water of the Canada Glacier and along the length of the stream to study in-stream biogeochemical processes. The applicant would collect a maximum of five moss samples per year using a 3 cm corer to a depth of about 3 cm and a maximum of five soil samples of approximately 200 g per sample per year from which to extract nematodes. Photography, LIDAR, Unmanned Aerial Systems (UAS) and other survey and monitoring techniques may be used to detect changes in the stream bed and algal mat distribution over time, and/or to monitor the change in the stream gauge system through time. The applicant also proposes to enter ASPA 172, Lower Taylor Glacier and Blood Falls, to continue measurements of the Santa Fe Stream including: stream-flow using velocity meters; pH, temperature, and conductivity via meters; and collection of water quality samples. The collection of water from the Blood Falls area would occur on the glacial moraine, not the glacier itself, and the sample would be small (< 1 L) and comprised of both brine reservoir discharge (when present) and surface ice melt-water.

Location: ASPA 131—Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land; ASPA 172—Lower Taylor Glacier and Blood Falls, Taylor Valley, McMurdo Dry Valleys, Victoria Land; McMurdo Dry Valleys, Antarctica.

Dates of Permitted Activities: February 28, 2026–February 28, 2031.

Permit Application: 2027–003

3. *Applicant:* Douglas Krause, Southwest Fisheries Science Center, National Marine Fisheries Service, 8901 La Jolla Shores Drive, La Jolla, CA 92037.

Activity for Which Permit Is Requested: Waste Management (45 CFR 671). The applicant proposes to conduct waste management activities in association with ship and shore-based research and logistic activities conducted by the National Oceanic and Atmospheric Administration's (NOAA) Antarctic Marine Living Resources (AMLR) Program. The AMLR Program conducts research from vessel and autonomous platforms in the Antarctic Peninsula region, collecting environmental, oceanographic, primary productivity, finfish, and prey data. Research is also conducted at two temporary field camps in the South Shetland Islands, Antarctica: Cape Shirreff and Copacabana. Ocean-based research activities will include the deployment of retrievable instrumentation. Instruments to be deployed include several long-range underwater gliders to measure environmental conditions and population densities, as well as up to 20 stationary moorings. Unmanned Aerial Systems (UAS) will also be deployed from research vessels for surveying and censusing purposes. Deployment of all retrievable instrumentation will be performed by trained personnel associated with the research project.

Continuation of long-term research activities at the Cape Shirreff field camp will include deployment and maintenance of up to 30 autonomous cameras to assist in studies of avian and pinniped breeding colonies, deployment of snow gauges, and continued use of UAS for census surveying of surrounding fauna. Maintenance activities proposed for the seasonal field camps include the continued upkeep of existing temporary structures and the removal of construction debris from previous temporary structures. Research activities proposed at the Copacabana field camp are similar to those at Cape Shirreff, including deployment of autonomous cameras and use of UAS for surveying purposes. All UAS pilots are FAA-licensed remote aircraft pilots, and care will be taken to follow all best practices for UAS operation in polar regions along with all appropriate safety measures.

Wastes and designated pollutants associated with typical field camp operations will be generated, released, stored, and removed at both camps. Releases of wastes to water will be limited to greywater and human sewage only. Wastes and designated pollutants resulting from scientific research include materials used to mark animals and attach necessary instrumentation. Additional waste may be generated by maintenance activities but mitigation measures will be put in place to minimize the introduction of waste into the environment. Other solid wastes will be either removed from the continent or incinerated, and the ash and residue removed. For designated pollutants stored at field camps, strict protocols for storage and handling will be followed. All U.S. AMLR personnel will receive proper training on handling and management of designated pollutants prior to deployment.

Location: Antarctic Peninsula region; Cape Shirreff, Livingston Island; Copacabana, western shore of Admiralty Bay.

Dates of Permitted Activities: November 1, 2026–October 31, 2031.

Permit Application: 2027–004

4. *Applicant:* Douglas Krause, Southwest Fisheries Science Center, National Marine Fisheries Service,

8901 La Jolla Shores Drive, La Jolla, CA 92037.

Activity for Which Permit Is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Area, Import into USA (45 CFR 670). The applicant proposes to continue the conduct of research activities by the National Oceanic and Atmospheric Administration's (NOAA) Antarctic Marine Living Resources (AMLR) Program in the Antarctic Peninsula region as part of a long-term ecosystem monitoring program established in 1986. The applicant proposes take and harmful interference activities for Antarctic fur seals (Arctocephalus gazelle), leopard seals (*Hydrurga leptonyx*), Weddell seals (*Leptonychotes weddellii*), crabeater seals (*Lobodon carcinophaga*), southern elephant seals (*Mirounga leonine*) and Ross seals (*Ommatophoca rossii*) by harassment associated with life-history studies and surveys to census or estimate abundance and distribution of pinnipeds. Specific take activities include capture/handling/release of animals for studies of attendance behavior, diving, and at-sea foraging location, diet, and population dynamics. Animals will be sedated and anesthetized during tagging and sampling procedures. Procedures include standard measuring of morphometrics, ultra-sounding, attaching of instrumentation, blood and tissue sampling and flipper marking/tagging. All studies of foraging ecology, population dynamics, mark-recapture, census, reproductive success, and energetics are part of a long-term monitoring effort coordinated with other Antarctic Treaty nations under the auspices of the Convention for the Conservation of Antarctic Marine Living Resources. The applicant holds a current NOAA Marine Mammal Protection Act permit for these activities.

The applicant also proposes to continue studies of the behavioral ecology and population biology of the Adélie, gentoo, chinstrap and king penguins, as well as interactions among these species and their principal avian predators. Specific take activities associated with avian research include capture/handling/release, attaching of instrumentation, tagging/banding, weighing/measuring of individuals, tissue and egg sampling, diet sampling, placing of nest markers and censusing. The number of takes and harmful interference per annum of each avian species will be as follows: chinstrap penguin (*Pygoscelis antarcticus)* - 3320, Adélie penguin (*Pygoscelis adeliae)* 2880, Gentoo penguin (*Pygoscelis papua)* 3020, king penguin (*Aptenodytes patagonicus)* 120, Macaroni penguin (*Eudyptes chrysolophus)* 120, brown skua (*Catharacta lonnbergi*) 600, south polar skua (*Catharacta maccormicki)* 600, giant petrel (*macronectes giganteus*) 600, kelp gull (*Larus dominicanus)* 100, blue-eyed shag (*Phalacrocorax atriceps)* 150, snowy sheathbill (*Chionis alba*) 45, and cape petrel (*Daption capensis)* 200.

The applicant also proposes to continue to enter Antarctic Specially Protected Areas 149—Cape Shirreff and 128—Western Shore of Admiralty Bay as long term research sites. Additionally, the applicant anticipates conducting intermittent peninsula-wide pinniped and seabird surveys. As such, access to all ASPAs in the South Shetland Islands and in the Antarctic Peninsula region is proposed. Entry to sites will be made via U.S. AMLR charter, or other vessels as available, with immediate access via zodiac operations. Peninsula-wide pinniped and seabird surveys may include the use of unmanned aerial vehicles and photogrammetry. All species, pinniped and avian, are subject to harmful interference due to census (aerial or ground) and other work described in this application.

Location: Antarctic Peninsula region; ASPA 108—Green Island, Berthelot Islands, Antarctic Peninsula; ASPA 112—Coppermine Peninsula, Robert Island; ASPA 113—Litchfield Island, Arthur Harbor, Palmer Archipelago; ASPA 125—Fildes Peninsula, King George Island, South Shetland Islands; ASPA 126—Byers Peninsula, Livingston Island, South Shetland Islands; ASPA 128—Western Shore of Admiralty Bay, King George Island; ASPA 132—Potter Peninsula, King George Island, South Shetland Islands; ASPA 133—Harmony Point, Nelson Island, South Shetland Island; ASPA 134—Cierva Point offshore islands, Danco Coast, Antarctic Peninsula; ASPA 139—Biscoe Point, Anvers Island; ASPA 140—Shores of Port Foster, Deception Island, South Shetland Islands; ASPA 144—Chile Bay; ASPA 145—Port Foster, Deception Island, South Shetland Islands; ASPA 146—South Bay, Doumer Island, Palmer Archipelago; ASPA 148—Mount Flora, Hope Bay, Antarctic Peninsula; ASPA 149—Cape Shirreff, Livingston Island, South Shetland Islands; ASPA 150—Ardley Island, Maxwell Bay, King George Island, South Shetland Islands; ASPA 151—Lions Rump, King George Island, South Shetland Islands; ASPA 171—Narebski Point, Barton Peninsula, King George Island; ASPA 176—Rosenthal Islands, Anvers Island, Palmer Archipelago; ASPA 177—Leonie Islands and South-East Adelaide Island, Antarctic Peninsula; ASPA 180—Danger Islands Archipelago, North-eastern Antarctic Peninsula; ASPA 181—Farrier Col, Horseshoe Island, Marguerite Bay; ASPA 182—Western Bransfield Strait and Eastern Dallman Bay; ASPA 183—Parts of Signy Island and adjacent islands, South Orkney Island; ASPA 184—Collins Bay, Kyiv Peninsula, Graham Coast, Antarctic Peninsula.

Dates of Permitted Activities: November 1, 2026–October 31, 2031.

Permit Application: 2027–005

5. *Applicant* David Rootes, Antarctic Logistics & Expeditions, 4741 S. Commerce Dr., Salt Lake City, UT 84107

Activity for Which Permit is Requested: Waste Management (45 CFR 671). The applicant proposes to continue waste management activities associated with logistics and tourism activities to be conducted in Antarctica. The applicant would continue to operate a remote camp at Union Glacier, Antarctica, and provide logistical support services for scientific and other expeditions, film crews, and tourists. These activities include aircraft support, cache positioning, camp and field support, resupply, search and rescue, medevac, medical support, and logistic support for some National Operators. Operations will be centered around a main camp located on Union Glacier that is adjacent to a blue-ice runway. The blue-ice runway is a natural feature that requires limited preparation and upkeep for aircraft use. There are standard programs offered on a regular basis from the remote camp at Union Glacier including: climbing trips to Vinson Massif, the Ellsworth Mountains, and the Transantarctic Mountains; ski trips to the Ellsworth Mountains and the Geographic South Pole; ice marathons, obstacle course runs, and sky diving; and flights to the Geographic South Pole and the emperor penguin colony at Gould Bay. Several aircraft will be operated by ALE throughout the Antarctic and may include: Ilyushin IL–76TD, Boeing 757–200, Bombardier Global 7500, Douglas DC3–TP67, Gulfstream 650 and 500, De Havilland DHC–6 Twin Otter, and Airbus AS 350 helicopters. ALE plans to allow clients to fly Unmanned Aerial Systems (UAS) provided their plan meets certain requirements, including ALE's standard operating procedures and Antarctic Treaty requirements.

Location: Union Glacier and the Patriot Hills and Ellsworth Mountains. Amundsen-Scott South Pole Station area and Gould Bay. General routes from

Hercules Cove to South Pole, Berkner Island to South Pole, and Ross Ice Shelf to South Pole.

Dates of Permitted Activities: October 20, 2026–February 6, 2031.

Dr. Jean C. Allen,

Office Director, Office of Polar Programs.

[FR Doc. 2026–23158 Filed 11–12–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4555]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly Notice; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on September 29, 2026, regarding the publication of the regular biweekly notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. This action is necessary to correct an error in the License Amendment Request table entry for the ''Brief Description of Amendment'' for Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3.

DATES: The correction takes effect on November 13, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–4555 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4555. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2242; email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** (FR) on September 29, 2026, in FR Doc. 2026–19812, on page 61469, in the third table entry for Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA, in the ''Brief Description of Amendment,'' correct ''The proposed amendment would revise the Waterford Steam Electric Station, Unit 2 Technical Specifications (TSs) based on Technical Specifications Task Force (TSTF) Traveler TSTF–427, Revision 2, ''allowance for Non Technical Specification Barrier Degradation on Supported System OPERABILITY,'' which is an approved change to the standard technical specifications'' to read ''The proposed amendment would revise the Waterford Steam Electric Station, Unit 3 Technical Specifications (TSs) based on Technical Specifications Task Force (TSTF) Traveler TSTF–427, Revision 2, ''allowance for Non Technical Specification Barrier Degradation on Supported System OPERABILITY,'' which is an approved change to the standard technical specifications.''

(Authority: 42 U.S.C. 2011 *et seq.*)

Dated: November 10, 2026.

For the Nuclear Regulatory Commission.

Michael Mahoney,

Acting Chief, Operating Reactor Licensing Branch 4, Division of Licensing Projects I, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–23127 Filed 11–12–26; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Extension of Suspension of Applications for Federal Long Term Care Insurance Program (FLTCIP) Coverage

AGENCY: Office of Personnel Management.

ACTION: Notice of extension of suspension of applications for FLTCIP coverage.

SUMMARY: The U.S. Office of Personnel Management (OPM) is announcing an extension of the suspension of applications for FLTCIP coverage that came into effect on December 19, 2024.

DATES: The extension will begin on December 19, 2026. The suspension period will remain in effect for 24 months from this date.

FOR FURTHER INFORMATION CONTACT: You may call 1–800–LTC–FEDS (1–800–582–3337) (TTY: 1–800–843–3557) or visit *http://www.ltcfeds.gov/.* For purposes of this **Federal Register** notice only, the contact at OPM is Julia Elam, Supervisory Analyst, at *julia.elam@opm.gov* or (202) 606–1560.

SUPPLEMENTARY INFORMATION: OPM is extending the current suspension of applications for coverage in FLTCIP in light of ongoing volatility in long term care costs and a greatly diminished insurance market. The original suspension notice was published at 87 FR 69345 (November 18, 2022) and suspended FLTCIP applications for 24 months, as authorized by 5 CFR 875.110. The suspension was extended through a second notice for an additional 24 months, published at 89 FR 89662 (November 13, 2024). This extension, which will take effect on December 19, 2026, complies with the requirements of § 875.110(d), which requires OPM to issue a **Federal Register** notice at least 30 days before the end of the suspension period in order to effectuate another suspension not to exceed 24 additional months. As with the current suspension period, no applications for FLTCIP coverage will be accepted during the extension period, and current enrollees may not apply to increase their coverage. The enrollment status or benefit eligibility of current enrollees will not change due to the suspension. For those in a claim status, there is no change to coverage and the claims reimbursement process.

OPM has determined that extending the period of suspension of applications for FLTCIP coverage is in the best interest of the Program. Since the current suspension began, the long-term care insurance market has seen

continued contraction due to challenges that include ongoing premium instability, such that the market for traditional long term care insurance, and especially group long term care insurance, is essentially non-existent. These market forces continue to undermine the ability to establish benefit offerings with premium rates that reasonably and equitably reflect the cost of the benefits provided, as required under 5 U.S.C. 9003(b)(2).

Authority: 5 U.S.C. 9008; Public Law 116–92, 133 Stat. 1198 (5 U.S.C. 8956 note); 5 CFR 875.110.

Signing Statement

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

Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2026–23149 Filed 11–12–26; 8:45 am]

BILLING CODE 6325–63–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2027–29 and K2027–30]

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:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for Summary Proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2027–29 and K2027–30; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1126, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 9, 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**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–23126 Filed 11–12–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106864; File No. SR–MEMX–2026–34]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

November 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 October 30, 2026, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 the Exchange's fee schedule

[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).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

applicable to Members [3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). As is further described below, the Exchange proposes to: (i) adopt a new DLI Tier 1 and re-designate the existing DLI Tiers 1 and 2 as DLI Tiers 2 and 3, respectively; and (ii) provide that the additive rebates under the Tape A Quoting Tier, Tape B Volume Tier 1, Tape B Volume Tier 2, and Tape C Quoting Tier are not eligible to be combined with any DLI Tier rebate. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on November 2, 2026. The text of the proposed rule change is provided in Exhibit 5.

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 purpose of the proposed rule change is to amend the Fee Schedule to: (i) adopt a new DLI Tier 1 and re-designate the existing DLI Tiers 1 and 2 as DLI Tiers 2 and 3, respectively; and (ii) provide that the additive rebates under the Tape A Quoting Tier, Tape B Volume Tier 1, Tape B Volume Tier 2, and Tape C Quoting Tier are not eligible to be combined with any DLI Tier rebate, each as further described below.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 18 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 14% of the total market share of executed volume of equities trading.[4] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 1.6% of the overall market share.[5] The Exchange in particular operates a ''Maker-Taker'' model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Currently, the Exchange provides a standard rebate of $0.0015 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume'').[6] The Exchange also offers enhanced rebates for executions of Added Displayed Volume under the Displayed Liquidity Incentive (''DLI'') Tiers, as well as additive rebates for qualifying executions of Added Displayed Volume in Tape A, Tape B and Tape C securities, each as described below.

Adoption of New DLI Tier 1 and Re-Designation of Existing DLI Tiers

The Exchange currently offers DLI Tiers 1 and 2 under which a Member may receive an enhanced rebate for executions of Added Displayed Volume by achieving the corresponding required criteria for each such tier. The DLI Tiers are designed to encourage Members, through the provision of an enhanced rebate for executions of Added Displayed Volume, to promote price discovery and market quality by quoting at the NBBO for a significant portion of each day (*i.e.,* through the applicable quoting requirement [7]) in a broad base of securities (*i.e.,* through the applicable securities requirement [8]), thereby benefitting the Exchange and investors by providing improved trading conditions for all market participants through narrower bid-ask spreads and increased depth of liquidity available at the NBBO in a broad base of securities and committing capital to support the execution of orders.

Currently, under DLI Tier 1, the Exchange provides an enhanced rebate of $0.0032 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving an NBBO Time of at least 50% in an average of at least 1,000 securities per trading day during the month. Under DLI Tier 2, the Exchange currently provides an enhanced rebate of $0.0026 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving an NBBO Time of at least 25% in an average of at least 500 securities per trading day during the month.

The Exchange now proposes to adopt a new DLI Tier 1 under which the Exchange would provide an enhanced rebate of $0.0035 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving an NBBO Time of at least 50% in an average of at least 1,300 securities per trading day during the month. In connection with the adoption of the proposed new DLI Tier 1, the Exchange proposes to re-designate the existing DLI Tier 1 as DLI Tier 2 and the existing DLI Tier 2 as DLI Tier 3. The rebates and the required criteria under the re-designated DLI Tiers 2 and 3 are not changing, and the pricing under such tiers would continue to be available to Members on the same terms as it is today.[9] In addition, the Exchange

[3] *See* Exchange Rule 1.5(p).

[4] Market share percentage calculated as of October 29, 2026. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[5] *Id.*

[6] The base rebate for executions of Added Displayed Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume'' with a Fee Code of ''B'', ''D'' or ''J'', as applicable, on execution reports.

[7] As set forth on the Fee Schedule, the term ''NBBO Time'' means the aggregate of the percentage of time during regular trading hours during which one of a Member's market participant identifiers (''MPIDs'') has a displayed order of at least one round lot at the national best bid or the national best offer. As used herein, the term ''quoting requirement'' refers to the percentage of NBBO Time that a Member must achieve in order to qualify for the applicable tier.

[8] As set forth on the Fee Schedule, the term ''securities requirement'' means the requirement that a Member meets the quoting requirement in the applicable number of securities per day. Each DLI Tier has a securities requirement that may be achieved by a Member meeting the quoting requirement in the specified number of securities traded on the Exchange.

[9] The pricing for the DLI Tiers is referred to by the Exchange on the Fee Schedule under the

is not proposing to change the rebate provided under any DLI Tier for executions of orders in securities priced below $1.00 per share, which would continue to be 0.15% of the total dollar value of the transaction.

The proposed new DLI Tier 1 is designed to reward Members that quote at the NBBO for a significant portion of each day in a broader set of securities than is currently required under any DLI Tier. Specifically, the securities requirement under the proposed new DLI Tier 1 (1,300 securities) is 300 securities greater than the securities requirement under the existing DLI Tier 1 (which would become DLI Tier 2), while the quoting requirement (50%) is the same. In exchange for meeting these more stringent criteria, the Exchange proposes to provide a rebate that is $0.0003 per share higher than the rebate provided under the existing DLI Tier 1. The Exchange believes that the proposed new DLI Tier 1 would encourage Members to quote at the NBBO in a broader base of securities, thereby benefitting investors by providing improved trading conditions for all market participants through narrower bid-ask spreads and increased depth of liquidity available at the NBBO in a larger number of securities.

Tape Specific Additive Rebates

The Exchange currently offers four additive rebates for a qualifying Members' executions of Added Displayed Volume (other than Retail Orders [10]) in Tape A, Tape B or Tape C securities priced over $1.00 per share: (i) the Tape A Quoting Tier, which provides an additive rebate of $0.0001 per share for Members that achieve an NBBO Time of at least 25% in an average of at least 500 Tape A securities per trading day during the month; (ii) the Tape B Volume Tier 1, which provides an additive rebate of $0.0004 per share for Members that achieve certain Tape B and Non-Display volume criteria; (iii) the Tape B Volume Tier 2, which provides an additive rebate of $0.0002 per share for Members that achieve certain Tape B volume criteria; and (iv) the Tape C Quoting Tier, which provides an additive rebate of $0.0001 per share for Members that achieve an NBBO Time of at least 50% in an average of at least 500 Tape C securities per trading day during the month (together, the ''Tape-Specific Additive Rebates'').[11] Currently, each Tape-Specific Additive Rebate is provided in addition to the otherwise applicable rebates for qualifying executions, including the enhanced rebates under the DLI Tiers.

The Exchange now proposes to provide that the Tape-Specific Additive Rebates are not eligible to be combined with any DLI Tier rebate. Accordingly, an execution of Added Displayed Volume that receives a rebate under a DLI Tier would not also receive a Tape-Specific Additive Rebate. The Exchange is not proposing to change the amount of, or the required criteria for, any Tape-Specific Additive Rebate, and is not proposing any change to the NBBO Setter additive rebate.[12]

The Exchange believes that the DLI Tiers and the Tape-Specific Additive Rebates provide different incentives to quote aggressively. The DLI Tiers provide an incentive to quote at the NBBO across a broad base of securities, regardless of Tape, whereas the Tape-Specific Additive Rebates are designed for Members that target quoting (or, in the case of the Tape B Volume Tiers, volume) in securities of a particular Tape. The Exchange believes that not permitting these incentives to be combined will better differentiate them and allow each to serve its distinct purpose. Additionally, because the Exchange is proposing to adopt a new DLI Tier 1 under which Members may earn rebates of up to $0.0035 per share, the Exchange is also proposing this change to control the costs associated with its transaction pricing, including the rebates it provides for liquidity-adding orders, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity and promoting the price discovery and market quality objectives of the DLI Tiers described above.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [15]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct additional order flow, including displayed, liquidity-adding orders to the Exchange, which the Exchange believes would promote price discovery and enhance liquidity and market quality on

descriptions ''Added displayed volume, DLI Tier 1,'' ''Added displayed volume, DLI Tier 2'' and ''Added displayed volume, DLI Tier 3,'' with Fee Codes of ''Bq1, Dq1, or Jq1,'' ''Bq2, Dq2, or Jq2'' and ''Bq3, Dq3, or Jq3,'' respectively, as applicable, on execution reports. The Exchange notes that the existing DLI Tier 1 (currently Fee Code ''Bq1, Dq1, or Jq1'') would become DLI Tier 2, and the existing DLI Tier 2 (currently Fee Code ''Bq2, Dq2, or Jq2'') would become DLI Tier 3.

[10] A ''Retail Order'' means an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization (''RMO''), provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Exchange Rule 11.21(a).

[11] The pricing for the Tape A Quoting Tier, Tape B Volume Tier 1, Tape B Volume Tier 2 and Tape C Quoting Tier is referred to by the Exchange on the Fee Schedule under the existing descriptions ''Tape A Quoting,'' ''Tape B Volume Tier 1,'' ''Tape B Volume Tier 2'' and ''Tape C Quoting,'' respectively, with Fee Codes of ''a,'' ''b1,'' ''b2'' and ''c,'' respectively, to be appended to the otherwise applicable Fee Code assigned by the Exchange on the monthly invoices for qualifying executions.

[12] The NBBO Setter Additive Rebate is the only current additive rebate that is not Tape-Specific, and shall continue to be eligible to be combined with a Member's enhanced rebate provided under any tier, including the DLI Tiers.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

the Exchange to the benefit of all Members and market participants.

The Exchange believes that the proposed new DLI Tier 1 is reasonable, equitable and not unfairly discriminatory for these same reasons. The DLI Tiers, like the Exchange's other volume and quoting-based incentives, are available to all Members on an equal basis and provide additional benefits that are reasonably related to the value to an exchange's market quality associated with higher levels of quoting activity. The proposed new DLI Tier 1 is designed to encourage Members to quote at the NBBO for a significant portion of each day in a broader base of securities, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants. The Exchange believes that the proposed rebate of $0.0035 per share is commensurate with the more stringent required criteria under the proposed new DLI Tier 1, as such criteria would require a Member to quote at the NBBO in an average of at least 300 more securities per day than is required under the existing highest DLI Tier, and is reasonably related to the market quality benefits that such tier is designed to achieve. The Exchange also believes the proposal is reasonable because the proposed new DLI Tier 1 is comparable in structure to quoting-based tiers offered by other exchanges, which provide enhanced rebates to members that quote at the NBBO for a specified portion of the trading day in a specified number of securities.[16] The Exchange notes that the proposed securities requirement of 1,300 securities is higher than the securities requirements under the quoting tiers cited above, and the proposed rebate is calibrated to the more stringent criteria.

The Exchange believes that the proposed re-designation of the existing DLI Tiers 1 and 2 as DLI Tiers 2 and 3, respectively, is reasonable, equitable and not unfairly discriminatory because it is a non-substantive change that does not alter the rebate or the required criteria under either tier, and it ensures that the DLI Tiers are numbered in descending order of rebate and required criteria, which the Exchange believes provides clarity and transparency to Members. The re-designated tiers will continue to be available to all Members on an equal basis.

The Exchange believes that the proposed change to provide that the Tape-Specific Additive Rebates are not eligible to be combined with any DLI Tier rebate is reasonable because it differentiates between the incentives offered under the DLI Tiers, which are designed to encourage quoting at the NBBO across a broad base of securities, and the Tape-Specific Additive Rebates, which are designed for Members that target quoting or volume in securities of a particular Tape. The Exchange also believes the change is reasonable because it will help the Exchange control the costs of its pricing structure in light of the higher rebates available under the DLI Tiers, including under the proposed new DLI Tier 1. The Exchange notes that other exchanges similarly limit the ability of members to combine enhanced quoting-based rebates with certain additive rebates.[17] The Exchange believes the proposed change is equitable and not unfairly discriminatory because it applies uniformly to all Members, and all Members remain eligible to qualify for the DLI Tiers and the Tape-Specific Additive Rebates in accordance with the criteria for each.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [18] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to incentivize market participants to direct additional order flow to the Exchange, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members and market participants. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [19]

Intramarket Competition

As discussed above, the Exchange believes that the proposed new DLI Tier 1 would incentivize Members to quote at the NBBO in a broader base of securities, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange does not believe that the proposed changes would impose any burden on intramarket competition because such changes will apply to all Members uniformly. The opportunity to qualify for the proposed new DLI Tier 1 and the re-designated DLI Tiers 2 and 3 is available to all Members, as is the opportunity to qualify for each of the Tape-Specific Additive Rebates, and the proposed limitation on combining the Tape-Specific Additive Rebates with DLI Tier rebates would apply equally to all Members. As described above, the Exchange believes that the required criteria under the proposed new DLI Tier 1 is commensurate with the corresponding rebate and reasonably related to the enhanced liquidity and

[16] *See, e.g.,* Securities Exchange Act Release No. 105557 (May 27, 2026), 91 FR 32460 (June 1, 2026) (SR–CboeBZX–2026–048) (describing the Cboe BZX Member Quoting Tier and MPID Quoting Tier, each of which provides an enhanced rebate of $0.0027 per share for qualifying orders in securities priced at or above $1.00 where the member (or MPID) achieves an NBBO Time (or MPID NBBO Time) of at least 25% in an average of at least 750 securities); Securities Exchange Act Release No. 104781 (February 6, 2026), 91 FR 6273 (February 11, 2026) (SR–PEARL–2026–07) (describing the MIAX Pearl Equities Market Quoting Program, which provides an enhanced rebate of $0.0026 per share for qualifying orders in securities priced at or above $1.00 where the equity member achieves a Percent Time at NBBO of at least 50% in at least 900 multi-listed securities).

[17] *See id.* (describing the MIAX Pearl Equities Market Quoting Program, under which equity members that receive the program's enhanced rebate are not eligible for the NBBO Setter Additive Rebate or the NBBO First Joiner Additive Rebate, and instead receive the higher of the applicable tiered rebate under the NBBO Setter Plus Program or the enhanced rebate under the Market Quoting Program).

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] *See supra* note 15.

market quality that such tier is designed to promote. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Members have numerous alternative venues that they may participate on and direct their order flow to, including 17 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 14% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, including with respect to Added Displayed Volume and market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed changes represent a competitive proposal through which the Exchange is seeking to encourage the submission of additional order flow to the Exchange through volume and quoting-based tiers, which have been widely adopted by exchanges, including the Exchange, while also controlling the costs associated with its transaction pricing. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar pricing incentives to market participants.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [20] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[21] Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [22] and Rule 19b–4(f)(2) [23] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2026–34 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–2026–34. 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–MEMX–2026–34 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

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[20] *Id.*

[21] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 240.19b–4(f)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106843; File No. SR–GEMX–2026–40]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Exchange's Options Regulatory Fee (ORF)

November 9, 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 October 29, 2026, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the GEMX Options Regulatory Fee (''ORF'') rate that will be effective on November 1, 2026. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 5(A), to delete obsolete rule text that described a prior ORF collection methodology.

While the changes proposed herein are effective upon filing, the Exchange has designated the proposed rule change to be operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

At this time, GEMX proposes to increase the ORF rate from $0.0100 to $0.0110 per contract side, effective November 1, 2026. This rate change is influenced by a review of regulatory costs and realized options volumes at the Exchange. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 5(A), to delete obsolete rule text that described a prior ORF collection methodology.

GEMX assesses ORF for options transactions cleared by The Options Clearing Corporation (''OCC'') in the customer [3] range, however ORF is assessed to each GEMX Member [4] for executions that occur on GEMX. Specifically, the ORF is collected by OCC on behalf of GEMX from Members and non-members for all customer transactions executed on GEMX. ORF is assessed and collected on ultimately cleared customer contracts, taking into account adjustments for CMTA that were provided to GEMX the same day as the trade.[5] Further, the Exchange bills ORF according to the clearing instructions provided on the execution. More specifically, GEMX assesses ORF based on the clearing instruction provided on the execution on trade date and does not take into consideration CMTA changes or transfers that occur at OCC.[6]

GEMX ensures that ORF Regulatory Revenue [7] does not exceed a material portion of Options Regulatory Costs.[8] More specifically, GEMX endeavors to ensure that ORF Regulatory Revenue generated from ORF does not exceed 82% of Options Regulatory Costs. The Exchange will notify Members via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.[9]

As is the case today, GEMX will monitor ORF Regulatory Revenue to ensure that it, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. In determining whether an expense is considered an Options Regulatory Costs, the Exchange will continue to review all costs and make determinations whether 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 will continue to offset Options Regulatory Costs.

ORF Regulatory Revenue is designed to recover a material portion of the Options Regulatory Costs to the Exchange for the supervision and regulation of Members' transactions, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Options Regulatory Costs include direct regulatory expenses [10] and certain indirect expenses in support of the regulatory function.[11]

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is

[3] ORF is assessed by GEMX and collected via the OCC from Priority Customers, Professional Customers, and Broker-Dealers that are not affiliated with a clearing member. These market participants clear in the ''C'' range at OCC. On GEMX, a ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in GEMX Options 1, Section 1(a)(36); a ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer; and a ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account.

[4] The term ''Member'' means an organization that has been approved to exercise trading rights associated with Exchange Rights. *See* General 1, Section 1(a)(14).

[5] Adjustments to CMTA that occur at OCC are not taken into account.

[6] Adjustments that were made the same day as the trade on GEMX will be taken into account.

[7] ORF Regulatory Revenue is the amount of revenue collected from the ORF.

[8] Options Regulatory Costs are those regulatory costs for options that comprise a subset of the Exchange's regulatory budget that are specifically related to options regulatory expenses and encompasses the cost to regulate all Members' options activity.

[9] Members were notified of the ORF rate changes for November 1, 2026, via an Options Trader Alert on September 28, 2026. *See* Options Trader Alert #2026–41.

[10] The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations.

[11] The indirect expenses include support from such areas as Office of the General Counsel, technology, finance and internal audit.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed increase of the ORF rate is reasonable because of lower-than-expected options volumes at the Exchange have resulted in lower-than-expected ORF Regulatory Revenue. Increasing the ORF rate would increase the ORF Regulatory Revenue, while continuing to ensure that ORF Regulatory Revenue does not exceed a material portion of the Exchange's Options Regulatory Costs. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's Options Regulatory Costs.

The Exchange designed the ORF to generate ORF Regulatory Revenue that would be less than the Exchange's Options Regulatory Costs, thereby ensuring that such revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. This is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above; however, after review of its Options Regulatory Costs and ORF Regulatory Revenue, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent an increase in the ORF rate it may collect ORF Regulatory Revenue that would fall significantly short of its Options Regulatory Costs. Indeed, the Exchange notes that when taking into account options volume, it estimates that the current ORF rate, if left unchanged, may generate ORF Regulatory Revenue that would fall short of the targeted 82% of the Exchange's projected Options Regulatory Costs. As such, the Exchange believes it is reasonable and appropriate to increase the ORF rate from $0.0100 to $0.0110 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory because collecting 82% of Options Regulatory Costs is appropriate and correlates to the degree of regulatory responsibility and Options Regulatory Costs borne by the Exchange with respect to customer transactions. The Exchange's proposal continues to ensure that Options Regulatory Revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. Fines collected by the Exchange in connection with a disciplinary matter will continue to offset Options Regulatory Costs. Continuing to cap ORF collected at 82% of Options Regulatory Costs is reasonable, equitable and not unfairly discriminatory as the Options Regulatory Revenue collected will offset the corresponding Options Regulatory Costs associated with on exchange customer transactions. The Exchange will review the ORF Regulatory Revenue and will amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

Finally, deleting obsolete rule text at Options 7, Section 5(A), is a non-substantive change that is designed to keep the Exchange rule book current, and thus make it easier to understand.

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 intra-market competition not necessary or appropriate in furtherance of the purposes of the Act because this collection accounts for customer executions, which will continue to be capped at 82% of Options Regulatory Costs. Furthermore, the Exchange will continue to review its ORF Regulatory Revenue and would amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

The proposed change to the ORF rate does 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.

Finally, deleting obsolete rule text at Options 7, Section 5(A), is a non-substantive change and, therefore, has no impact on competition.

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) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–GEMX–2026–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–GEMX–2026–40. 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–GEMX–2026–40 and should be submitted on or before December 4, 2026.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23088 Filed 11–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106856; File No. SR–OCC–2026–011]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Options Clearing Corporation Relating to the Addition of the Evergreen Provisions to OCC's LRMF

November 9, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2026, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and paragraph (f) or Rule 19b–4[4] thereunder, such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would codify the circumstances in which OCC may renew its liquidity facilities without filing an advance notice with the Commission. The proposed change is described in additional detail in Item 3 below.

The proposed changes to OCC's Liquidity Risk Management Framework (''LRMF'') are contained in confidential Exhibit 5 to File No. OCC–2026–011. Material proposed to be added is marked by underlining and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization not defined herein have the same meaning as set forth in OCC's By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC maintains certain liquidity facilities to ensure access to needed liquidity in time to satisfy settlement obligations, even in the event of a default by a Clearing Member or another market disruption. These liquidity facilities were each previously the subject of advance notice filings for renewals. At least one advance notice filing relating to each liquidity facility, to which the Commission did not object, sets forth the circumstances under which OCC may renew the facility without filing an additional advance notice (the ''Evergreen Provisions'').[6] These Evergreen Provisions are not presently codified in any OCC rule. OCC now seeks to (1) add these Evergreen Provisions to its LRMF; (2) make non-substantive changes to the language and structure of the Evergreen Provisions and the Liquidity Risk Management Framework for clarity and consistency; and (3) add sub-headings for clarity. OCC believes that codifying the Evergreen Provisions in the LRMF will make them more accessible within OCC and subject to annual review by OCC.

1. Purpose

OCC proposes changes to its LRMF to memorialize the Evergreen Provisions that describe the circumstances in which OCC may renew three liquidity facilities described in detail below without filing an advance notice. Including these Evergreen Provisions will improve the completeness of the LRMF and make it more efficient to track the circumstances in which the facilities may be renewed without an advance notice. Each of the three facilities and the current conditions under which OCC may renew the facility without filing an advance notice are described below.

Revolving Credit Facility

OCC maintains a revolving credit facility for a 364-day term that it may use: (i) to meet obligations arising out of the default or suspension of a Clearing Member or any action taken by OCC to address such a default or suspension; (ii) to reimburse OCC for bankruptcy losses, subject to the conditions set forth in the By-Laws and Rules; (iii) to the extent permitted by the By-Laws and Rules, (a) to obtain funds projected to be required by OCC in anticipation of a potential default by, or suspension of, a Clearing Member; or (b) to address liquidity needs for daily settlement obligations as the result of the failure of any bank, securities or commodities clearing organization, or investment counterparty to perform any obligation to OCC when due (''Revolving Credit Facility'').[7] The Revolving Credit Facility provides short-term secured borrowings in an aggregate principal amount of $2.5 billion but may be increased to $3.5 billion if OCC so requests and sufficient commitments from lenders are received and accepted. To obtain a loan under the Revolving Credit Facility, OCC would pledge as collateral: (i) U.S. dollars; (ii) securities issued or guaranteed by the U.S. Government or the Government of Canada; (iii) equities included in the S&P 500 Market Index, the NASDAQ exchange, or any United States or Canadian national securities exchange; (iv) Exchange-Traded Funds (''ETFs''); or (v) American Depositary Receipts (''ADRs''). It is renewed annually for a 364-day term.

OCC must submit an advance notice prior to renewing the Revolving Credit Facility if it intends to make changes to the commitment period (which would continue to be 364 calendar days unless changes are necessary to avoid the expiration of the term falling on a weekend or other day that is not a business day).[8] However, without

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f).

[5] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/company-information/documents-and-archives/by-laws-and-rules.*

[6] *See* Securities Exchange Act Release No. 106129 (Aug. 13, 2026), 91 FR 53449 (Aug. 18, 2026) (SR–OCC–2026–802) (Notice of Filing of Advance Notice Regarding Revolving Credit Facility); Securities Exchange Act Release No. 95669 (Sept. 2, 2022); 87 FR 55064 (Sept. 8, 2022) (SR–OCC–2022–802) (Notice of No Objection to Bank Repo Facility); Securities Exchange Act Release No. 95670 (Sept. 2, 2022); 87 FR 55048 (Sept. 8, 2022) (SR–OCC–2022–803) (Notice of No Objection to Non-Bank Liquidity Facility).

[7] Securities Exchange Act Release No. 106129 (Aug. 13, 2026), 91 FR 53449 (Aug. 18, 2026) (SR–OCC–2026–802) (Notice of Filing of Advance Notice Regarding Revolving Credit Facility).

[8] *See* Securities Exchange Act Release No. 88971 (May 28, 2020), 85 FR 34257 (June 3, 2020) (SR–

submitting an advance notice, OCC may: (1) increase the commitment amounts so long as the increase (whether in the initial commitment amount, additional commitment amount, or both) is by no more than $500 million in total as compared to the 2025 Bank Syndicate Revolving Credit Facility, which authorized a $2.5 billion initial commitment that could be increased to $3.5 billion if OCC so requests and sufficient commitments from lenders are received and accepted; (2) decrease the commitment amounts by up to $500 million so long as any decrease in the initial commitment amount is replaced by other qualifying liquid resources (as defined in Exchange Act Rule 17ad–22(a)(14) [9]) of an equal amount; [10] (3) add new lenders or remove existing lenders so long as all lenders to future renewals are subject to the same credit review as those lenders that were party to its 2020 Bank Syndicate Revolving Credit Facility; (4) change the lead administrative agent and/or the backup administrative agent so long as the new agent in future renewals is subject to the requirements for selecting providers of core services set forth OCC's policies and procedures; (5) change pricing and collateral haircuts,[11] so long as such terms are consistent with the then-current market practice; and (6) change other terms and conditions of the agreement so long as the changes do not materially affect the nature or level of risk presented to OCC.

Bank Repo Facility

OCC also maintains a master repurchase agreement with a bank counterparty as part of its overall liquidity plan (''Bank Repo Facility''). Pursuant to the Bank Repo Facility, the buyer (*i.e.,* the bank counterparty) agrees to purchase from OCC, from time to time, U.S. Government securities. OCC, as the seller, would transfer these securities to the buyer in exchange for a payment by the buyer to OCC in immediately available funds. The buyer would simultaneously agree to transfer the purchased securities back to OCC at a specified later date or on OCC's demand against the transfer of funds by OCC to the buyer in an amount equal to the amount the buyer paid plus the accrued and unpaid price differential, which is the interest component of the agreement. The buyer provides a funding commitment of up to $1 billion, with the commitment extending for one year (plus or minus one day).

The Bank Repo Facility is renewed annually. OCC would submit another advance notice with respect to such renewal for the same term only if: (i) OCC determines its liquidity needs merit funding levels above the $1 billion, (ii) OCC should seek to change the terms and conditions of the Master Repurchase Agreement (''MRA'') in a manner that materially affects the nature or level of risk presented by OCC,[12] (iii) OCC should seek to add counterparties or substitute the bank counterparty to the Bank Repo Facility program, or (iv) the bank counterparty has experienced a negative change to its credit profile or a material adverse change since the latest renewal of the MRA.[13]

Non-Bank Liquidity Facility

OCC also maintains a program for accessing additional committed sources of liquidity that do not increase the concentration of OCC's counterparty exposures (''Non-Bank Liquidity Facility''). The Non-Bank Liquidity Facility is comprised of two parts: an MRA and confirmations with one or more institutional investors, which contain certain individualized terms and conditions of transactions executed between OCC, the institutional investors and their agents. The MRA is structured like a typical repurchase arrangement. This facility has no commitment limit, but OCC has established a target across all external liquidity resources of at least $3 billion.[14] OCC seeks new and renewed commitments of varying term lengths under this facility.

OCC would submit another advance notice with respect to the execution of individual commitments under the Non-Bank Liquidity Facility only if: (i) OCC should seek to execute a commitment at a level that would have the effect of reducing external liquidity below the target of $3 billion; (ii) OCC should seek to change the terms and conditions of the MRA or commitments thereunder in a manner that materially affects the nature or level of risk presented by OCC; [15] or (iii) OCC should seek to execute a commitment with a counterparty that has experienced a negative change to its credit profile or a material adverse change since OCC last executed a commitment with that counterparty. But OCC may make changes to (i) liquidity providers provided that any new counterparty is subject to a credit review under OCC's Third-Party Risk Management Framework [16] and (ii) term lengths consistent with those approved by OCC's Board of Directors (''Board'') considering factors including, but not limited to, the initial committed length of the term, market conditions, and OCC's liquidity needs.[17]

Adding the Evergreen Conditions to the LRMF

The current conditions under which OCC may renew its liquidity facilities without filing an advance notice are not codified in any OCC written policy or procedure. Rather, they are documented in the advance notices OCC filed with respect to each liquidity facility, and in the Commission's notices of no objection thereto.[18] OCC seeks to add

OCC–2020–804) (Notice of Filing of Advance Notice of and No Objection to Revolving Credit Facility).

[9] 17 CFR 240.17ad–22(a)(14).

[10] For example, this may include an increase in OCC's Cash Clearing Fund Requirement as required under Rule 1002(a) or other committed liquidity resources for which the Commission has issued a Notice of No Objection. *See, e.g.,* Securities Exchange Act Release No. 34–88971 (May 28, 2020), 85 FR 34257 (June 2, 2020) (citing Securities Exchange Act Release No. 88317 (March 4, 2020), 85 FR 13681 (March 9, 2020) (SR–OCC–2020–801)).

[11] ''Collateral haircuts'' with respect to the collateral for any borrowing under the Facility refers to the schedule of percentages of market value by type of collateral, determining the collateral value of that type of collateral, for purposes of securing a borrowing.

[12] For the purposes of clarity, OCC would not consider changes to pricing or changes in representations, covenants, and terms of events of default, to be changes to a term or condition that would require the filing of a subsequent advance notice provided that pricing is at the then prevailing market rate and changes to such other provisions are immaterial to OCC as the seller and do not impair materially OCC's ability to draw against the facility.

[13] *See* Securities Exchange Act Release No. 95669 (Sept. 2, 2022); 87 FR 55064 (Sept. 8, 2022) (SR–OCC–2022–802) (Notice of No Objection to Bank Repo Facility).

[14] From time to time OCC's Board of Directors sets the level of aggregate commitments at a level to ensure that OCC maintains sufficient liquidity resources to cover its liquidity risk exposures at all times considering such factors including, but not limited to: (1) the size and make-up of the Clearing Fund; (2) the aggregate amount of OCC's other liquidity resources; and (3) changing market conditions. Securities Exchange Act Release No. 95670 (Sept. 2, 2022); 87 FR 55048, 55050 (Sept. 8, 2022) (SR–OCC–2022–803) (Notice of No Objection to Non-Bank Liquidity Facility).

[15] For the purposes of clarity, OCC would not consider changes to pricing or changes in representations, covenants, and terms of events of default, to be changes to a term or condition that would require the filing of a subsequent advance notice provided that pricing is at the then prevailing market rate and changes to such other provisions are immaterial to OCC as the seller and do not impair materially OCC's ability to draw against the facility.

[16] *See* Third-Party Risk Management Framework, *available at* Documents & Archives, *https://www.theocc.com/getcontentasset/68a1ea2d-ddae-4a93-a309-100bf70a0f28/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/third-party-risk-management-framework.pdf*. While credit monitoring of insurance companies that may become liquidity providers would necessarily be different than credit monitoring of existing pension fund counterparties, any new liquidity would be subject to the same credit review for counterparties of the same type.

[17] *See* Securities Exchange Act Release No. 95670 (Sept. 2, 2022); 87 FR 55048 (Sept. 8, 2022) (SR–OCC–2002–803)

[18] *See supra* note 4.

these Evergreen Provisions to its LRMF, which is designed to effectively identify, measure, monitor, and manage the liquidity risks that arise in or are borne by OCC. A crucial component of the LRMF is OCC's access to a reliable and diverse set of committed liquidity resources, including the three liquidity facilities at issue in this advance notice. Adding the Evergreen Provisions for all three liquidity facilities to the LRMF would improve the overall organization of OCC's liquidity risk processes and would make them more accessible. In addition, adding the Evergreen Provisions to the LRMF would ensure that OCC, its Board, and its Risk Committee review them on an at-least annual basis as part of the review of OCC's risk management policies, procedures and systems. Such review may identify the need to propose changes to the Evergreen Provisions. For example, to the extent that OCC later determines that access to additional liquidity is necessary or appropriate, OCC may determine to increase the maximum amount of commitments it may seek under either the Revolving Credit Facility or Bank Repo Facility. Documenting the Evergreen Provisions in the LRMF would serve as a reminder that such a change would require regulatory filings, thereby improving the clarity of OCC's governance arrangements.

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Exchange Act [19] and Rules 17ad–22(e)(3) and (e)(7) [20] thereunder. In particular, OCC believes the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[21] which requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and, to the extent applicable, derivatives transactions, to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible, and, in general, protect investors and the public interest. The proposed changes would clarify OCC's ability to renew the liquidity facilities that ensure OCC's liquidity even in turbulent market conditions, allowing OCC to promptly clear and settle transactions, protect market participants' funds, and to protect the markets as a whole. For this reason, the proposed changes to OCC's rules are reasonably designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions, to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible, and, in general, protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[22]

OCC further believes the proposed rule change is reasonably designed to comply with Rule 17ad–22(e)(3).[23] In relevant part, this provision requires OCC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for managing, among other things, credit and liquidity risk that include risk management policies, procedures and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by OCC that are subject to review on a specified periodic basis and approved by the Board annually.[24] The proposed rule change promotes this by codifying the Evergreen Provisions for the three liquidity facilities into a single section of the LRMF. Currently the Evergreen Provisions are contained within three separate Commission notices of no objection to OCC advance notice filings. OCC believes that documenting these provisions into a single section of the LRMF will improve the accessibility of the Evergreen Provisions and make the LRMF a more comprehensive description of the actions OCC takes to manage liquidity risk.[25] Greater accessibility, in turn, will make the Evergreen Provisions clearer and easier to track. Though moving the Evergreen Provisions to the LRMF does not make them any more binding on OCC than they already are, there are benefits to more efficiently organizing them in one place. For example, including them in the LRMF will subject them to annual review and approval by the Board, which may determine that changes should be made, subject to regulatory review and approval of such changes. Further, the proposed Evergreen Provisions and the LRMF generally is revised for clarity and consistency, with the intent of making it easier to understand and adhere to.

OCC also believes the proposed rule change is reasonably designed to comply with Rule 17ad–22(e)(7).[26] Rule 17ad–22(e)(7) requires OCC to, in part, establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency. OCC's proposed rule change is consistent with Rule 17ad–22(e)(7) [27] because it facilitates OCC's ability to renew its liquidity facilities that protect OCC and its Clearing Members in the event of a liquidity event caused by a default or other circumstance.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [28] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. The proposed changes to the LRMF do not directly affect Clearing Members, their customers, or the markets that OCC serves. Rather, the changes relate only to OCC's ability to renew liquidity facilities to ensure liquidity in the event of a Clearing Member default or other market disruption, which provides similar benefits to all market participants.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been 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) of the Act [29] and paragraph (f) of Rule

[19] 15 U.S.C. 78a *et seq.*

[20] 17 CFR 240.17ad–22(e)(3) & (e)(7).

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] 17 CFR 240.17ad–22(e)(3).

[24] 17 CFR 240.17ad–22(e)(3)(i).

[25] Though the proposed Evergreen Provisions in the LRMF are revised for clarity and consistency, they are intended to be substantively identical to the Evergreen Provisions contained in the most recent Advance Notice filings. *See* Securities Exchange Act Release No. 106129 (Aug. 13, 2026), 91 FR 53449 (Aug. 18, 2026) (SR–OCC–2026–802) (Notice of Filing of Advance Notice Regarding Revolving Credit Facility); Securities Exchange Act Release No. 95669 (Sept. 2, 2022); 87 FR 55064 (Sept. 8, 2022) (SR–OCC–2022–802) (Notice of No Objection to Bank Repo Facility); Securities Exchange Act Release No. 95670 (Sept. 2, 2022); 87 FR 55048 (Sept. 8, 2022) (SR–OCC–2022–803) (Notice of No Objection to Non-Bank Liquidity Facility). The language of the Advance Notices control to the extent there are any material differences in the description of the Evergreen Provisions in the LRMF.

[26] 17 CFR 240.17ad–22(e)(7).

[27] *Id.*

[28] 15 U.S.C. 78q–1(b)(3)(I).

[29] 15 U.S.C. 78s(b)(3)(A).

19b–4 [30] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[31]

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-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–OCC–2026–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–OCC–2026–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the filing will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules*.

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–OCC–2026–011 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23101 Filed 11–12–26; 8:45 am]

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[30] 17 CFR 240.19b–4(f).

[31] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106845; File No. SR–ISE–2026–58]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Decrease the Exchange's Options Regulatory Fee (ORF)

November 9, 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 October 29, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to decrease the ISE Options Regulatory Fee (''ORF'') rate that will be effective on November 1, 2026. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 9(C), to delete obsolete rule text that described a prior ORF collection methodology.

While the changes proposed herein are effective upon filing, the Exchange has designated the proposed rule change to be operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

At this time, ISE proposes to decrease the ORF rate from $0.0080 to $0.0070 per contract side, effective November 1, 2026. This rate change is influenced by a review of regulatory costs and realized options volumes at the Exchange. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 9(C), to delete obsolete rule text that described a prior ORF collection methodology.

ISE assesses ORF for options transactions cleared by The Options Clearing Corporation (''OCC'') in the customer [3] range, however ORF is assessed to each ISE Member [4] for executions that occur on ISE. Specifically, the ORF is collected by OCC on behalf of ISE from Members and non-members for all customer transactions executed on ISE. ORF is assessed and collected on ultimately cleared customer contracts, taking into account adjustments for CMTA that were provided to ISE the same day as the trade.[5] Further, the Exchange bills

[3] ORF is assessed by ISE and collected via the OCC from Priority Customers, Professional Customers, and Broker-Dealers that are not affiliated with a clearing member. These market participants clear in the ''C'' range at OCC. On ISE, a ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Options 1, Section 1(a)(38); a ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer; and a ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account.

[4] The term ''Member'' means an organization that has been approved to exercise trading rights associated with Exchange Rights. *See* General 1, Section 1(a)(13).

[5] Adjustments to CMTA that occur at OCC are not taken into account.

ORF according to the clearing instructions provided on the execution. More specifically, ISE assesses ORF based on the clearing instruction provided on the execution on trade date and does not take into consideration CMTA changes or transfers that occur at OCC.[6]

ISE ensures that ORF Regulatory Revenue[7] does not exceed a material portion of Options Regulatory Costs.[8] More specifically, ISE endeavors to ensure that ORF Regulatory Revenue generated from ORF does not exceed 82% of Options Regulatory Costs. The Exchange will notify Members via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.[9]

As is the case today, ISE will monitor ORF Regulatory Revenue to ensure that it, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. In determining whether an expense is considered an Options Regulatory Costs, the Exchange will continue to review all costs and make determinations whether 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 will continue to offset Options Regulatory Costs.

ORF Regulatory Revenue is designed to recover a material portion of the Options Regulatory Costs to the Exchange for the supervision and regulation of Members' transactions, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Options Regulatory Costs include direct regulatory expenses[10] and certain indirect expenses in support of the regulatory function.[11]

[6] Adjustments that were made the same day as the trade on ISE will be taken into account.

[7] ORF Regulatory Revenue is the amount of revenue collected from the ORF.

[8] Options Regulatory Costs are those regulatory costs for options that comprise a subset of the Exchange's regulatory budget that are specifically related to options regulatory expenses and encompasses the cost to regulate all Members' options activity.

[9] Members were notified of the ORF rate changes for November 1, 2026, via an Options Trader Alert on September 28, 2026. *See* Options Trader Alert #2026–41.

[10] The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations.

[11] The indirect expenses include support from such areas as Office of the General Counsel, technology, finance and internal audit.

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed reduction of the ORF rate is reasonable because of a combination of lower-than-expected options volumes at the Exchange and higher-than-expected ORF Regulatory Revenue. Reducing the ORF rate would help ensure that ORF Regulatory Revenue does not exceed a material portion of the Exchange's Options Regulatory Costs. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's Options Regulatory Costs.

The Exchange designed the ORF to generate ORF Regulatory Revenue that would be less than the Exchange's Options Regulatory Costs, thereby ensuring that such revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. This is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above; however, after review of its Options Regulatory Costs and ORF Regulatory Revenue, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent a reduction in the ORF rate it may collect ORF Regulatory Revenue which may exceed its Options Regulatory Costs. Indeed, the Exchange notes that when taking into account options volume, it estimates that the current ORF rate, if left unchanged, may generate ORF Regulatory Revenue that would exceed the targeted 82% of the Exchange's projected Options Regulatory Costs. As such, the Exchange believes it is reasonable and appropriate to decrease the ORF rate from $0.0080 to $0.0070 per contract side.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory because collecting 82% of Options Regulatory Costs is appropriate and correlates to the degree of regulatory responsibility and Options Regulatory Costs borne by the Exchange with respect to customer transactions. The Exchange's proposal continues to ensure that Options Regulatory Revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. Fines collected by the Exchange in connection with a disciplinary matter will continue to offset Options Regulatory Costs. Continuing to cap ORF collected at 82% of Options Regulatory Costs is reasonable, equitable and not unfairly discriminatory as the Options Regulatory Revenue collected will offset the corresponding Options Regulatory Costs associated with on exchange customer transactions. The Exchange will review the ORF Regulatory Revenue and will amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

Finally, deleting obsolete rule text at Options 7, Section 9(C), is a non-substantive change that is designed to keep the Exchange rule book current, and thus make it easier to understand.

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 intra-market competition not necessary or appropriate in furtherance of the purposes of the Act because this collection accounts for customer executions, which will continue to be capped at 82% of Options Regulatory Costs. Furthermore, the Exchange will continue to review its ORF Regulatory Revenue and would amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

The proposed change to the ORF rate does 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.

Finally, deleting obsolete rule text at Options 7, Section 9(C), is a non-substantive change and, therefore, has no impact on competition.

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) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–58 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–ISE–2026–58. 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–ISE–2026–58 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23090 Filed 11–12–26; 8:45 am]

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[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106855; File No. SR–NYSENAT–2026–29]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Connectivity Fee Schedule

November 9, 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 October 28, 2026, NYSE National, Inc. (''NYSE National'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products (''Included Data Products'').

Currently, the table of Included Data Products in Colocation Note 4 sets forth the market data feeds that Users [4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5]

The Exchange proposes to update the table of Included Data Products to include NYSE Options Select, a data feed that consists of a subset of data from the OPRA consolidated data feed that has been curated by the Exchange's Affiliate SRO NYSE.[6] Given the growing number of options series and the increasing popularity of options trading, the OPRA consolidated data feed is

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 at n.9 (June 6, 2018) (SR–NYSENAT–2018–07). As specified in the Connectivity Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the Exchange's affiliates the New York Stock Exchange LLC (''NYSE''), NYSE American LLC, NYSE Arca, Inc., and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein.

[5] *See* Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 (June 6, 2018) (SR–NYSENAT–2018–07) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Co-Location Services and Fees In Connection With the Re-Launch of Trading on the Exchange and To Amend Its Schedule of Fees and Rebates To Provide for Such Co-Location Services).

[6] The Options Price Reporting Authority (''OPRA'') is a systems information processor that consolidates and disseminates consolidated last sale and quotation information from all approved U.S.-based options exchanges. Current OPRA participants include BOX Options Exchange LLC, Cboe Options Exchange, Cboe C2 Options Exchange, Cboe BZX Options Exchange, Cboe EDGX Options Exchange, MEMX Options, MEMX MX2 Options, MIAX Options, MIAX Pearl, MIAX Emerald, MIAX Sapphire, Nasdaq Options Market, Nasdaq PHLX, Nasdaq ISE, Nasdaq GEMX, Nasdaq Texas Options, Nasdaq MRX, NYSE American, and NYSE Arca. *See https://www.opraplan.com/faqs.* NYSE is a licensed redistributor of the OPRA data feed.

voluminous and requires market participants to dedicate significant amounts of bandwidth to receive it. The NYSE Options Select data feed would provide market participants the ability to view critical NBBO, trade data, and administrative messages from the OPRA data feed without consuming the full OPRA data set, thereby decreasing bandwidth requirements and costs when compared to the full OPRA data feed. Other exchange groups currently offer similar selections of the OPRA data feed, including the Nasdaq Smart Options [7] and Cboe Options Lite [8] data feeds.

To implement the change, the Exchange proposes to update the table of Included Data Products as follows (proposed addition italicized):

NYSE Bonds.
NYSE Options Select.
NYSE Options Select Trades & NBBO.
NYSE Options Select Trades & NBBO Snapshot.
NYSE Texas.
NYSE Texas Aggregated Lite.
NYSE Texas BBO.
NYSE Texas Integrated Feed.
NYSE Texas Order Imbalances.
NYSE Texas Trades.

As indicated, the Exchange plans to offer connectivity to two different NYSE Options Select data feeds: NYSE Options Select Trades & NBBO, which includes real-time trades and real-time NBBO updates for all OPRA symbols, and NYSE Options Select Trades & NBBO Snapshot, which includes real-time trades for all OPRA symbols plus an NBBO snapshot at the time of a trade (collectively the ''NYSE Options Select data feeds'').

The Exchange does not charge for connectivity to the Included Data Feeds. Accordingly, it would not charge for connectivity to the NYSE Options Select data feeds.

Application and Impact of the Proposed Changes

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

Implementation

The proposed rule change will become operational when the NYSE Options Select data feeds are available. The Exchange will announce the date through a customer notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

The Proposed Rule Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is reasonable because the change would mean that a User would have the option of adding connectivity to additional market data feeds without paying additional charges.

Adding the NYSE Options Select data feeds to the list of Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished but would not require it to do so. As currently, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

The Proposed Rule Change Is Equitable and Not Unfairly Discriminatory

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory since, as is true now, the proposed change would not apply differently to distinct types or sizes of Users but would apply to all Users equally. Moreover, adding the proposed additional Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. As now, a User would be able to determine which Included Data Products, if any, to which it connects,

[7] Nasdaq Smart Options is described here: *https://data.nasdaq.com/databases/NSO.*

[8] Cboe Options Lite is described here: *https://www.cboe.com/insights/posts/cboe-options-lite-access-real-time-options-data-with-less-cost-and-complexity.*

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12]

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Adding the proposed additional Included Data Product would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. In this way, the proposed changes would enhance competition by, as now, enabling a User to determine to which Included Data Products, if any, it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as with the other Included Data Products, it believes it would not be the exclusive method to connect to the NYSE Options Select data feeds. As alternatives to connecting to the NYSE Options Select data feeds as an Included Data Products, a User may connect to the market data feed through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. In addition, a User may choose instead to connect to a similar product offered by another exchange, such as Nasdaq Smart Options or Cboe Options Lite.[13]

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed addition to the description of Included Data Products would make the description more accessible and transparent. In this manner, the proposed change would provide market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks, thereby enhancing competition by ensuring that all Users have access to the same information regarding the Included Data Products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay would allow the Exchange to promptly provide market participants with another choice for obtaining streamlined options data as the Exchange anticipates that the NYSE Options Select data feeds will be ready for launch in fewer than 30 days. The Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change does not present any novel issues and it would provide investors with an additional option for accessing potentially helpful information that could inform their trading decisions as soon as the feeds are available. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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

[12] 15 U.S.C. 78f(b)(8).

[13] *See supra* notes 7 and 8.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[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 also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSENAT–2026–29 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–NYSENAT–2026–29. 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–NYSENAT–2026–29 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

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[20] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106862; File No. SR–GEMX–2026–39]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for NDX Options

November 9, 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 October 27, 2026, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fees for Nasdaq 100® Index (''NDX'') options in the Exchange's Pricing Schedule at Options 7, Section 3.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase the NDX options fees for regular orders assessed to Non-Priority Customer[3] market participants in Options 7, Section 3.

As set forth in Options 7, Section 3, the Exchange currently assesses a fee of $0.75 per contract for NDX Market Maker,[4] Non-Nasdaq GEMX Market Maker (FarMM),[5] Firm Proprietary[6]/Broker-Dealer[7] and Professional Customer[8] regular orders. Priority Customer[9] orders are currently assessed a $0.50 per contract fee in NDX.

The Exchange now proposes to increase the Non-Priority Customer NDX fees for regular orders from $0.75 to $1.25 per contract. As a result, Non-Priority Customer orders would each be assessed a fee of $1.25 per contract in NDX. The Exchange is not proposing to amend the Priority Customer fee of $0.50 per contract in NDX, or the fees for other index options in Options 7, Section 3.

The notes to Options 7, Section 3 would continue to apply, unchanged. Specifically: (i) note 6 provides that the index options fees apply only to NDX; the fees are assessed to all executions in NDX; (ii) note 9 provides that for transactions in NDX, a license surcharge of $0.25 is assessed to Non-Priority Customers;[10] (iii) note 14 provides that a surcharge of $0.25 per contract is assessed to all market participants for executions in NDX with a premium price of $25.00 or greater; and (iv) note 20 provides that a surcharge is assessed to electronic simple Non-Priority Customer orders in NDX that remove liquidity according to a premium schedule, which ranges from $1.00 per contract for premiums of less than $3.00 to $3.00 per contract for premiums greater than or equal to $50.00.

By way of example, under the proposed pricing a Market Maker electronic simple order in NDX with a premium of $5.00 that adds liquidity would be assessed $1.50 per contract ($1.25 fee plus the $0.25 per contract

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq GEMX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers. *See* Options 7, Section 1(c).

[4] The term ''Market Maker'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1, Section 1(a)(21).

[5] A ''Non-Nasdaq GEMX Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. *See* Options 7, Section 1(c).

[6] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account. *See* Options 7, Section 1(c).

[7] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account. *See* Options 7, Section 1(c).

[8] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Options 7, Section 1(c).

[9] A ''Priority Customer'' is a person or entity that is not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 7, Section 1(c).

[10] The license surcharge applies to all NDX executions, including executions of NDX orders that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan. *See* note 9 of Options 7, Section 3.

surcharge in note 9), as compared to $1.00 per contract today ($0.75 fee plus the $0.25 per contract surcharge in note 9). If the same order removed liquidity, it would be assessed $3.00 per contract (the $1.25 fee, the $0.25 per contract surcharge in note 9, plus the $1.50 note 20 surcharge), as compared to $2.50 per contract today (the $0.75 fee, the $0.25 per contract surcharge in note 9, plus the $1.50 note 20 surcharge). A Professional Customer simple order in NDX with a premium of $30.00 that adds liquidity would be assessed $1.75 per contract (the $1.25 fee plus the $0.25 surcharge in note 9 plus the $0.25 note 14 surcharge) as compared to $1.25 per contract today (the $0.75 fee plus the $0.25 surcharge plus the $0.25 note 14 surcharge). By comparison, a Priority Customer simple order in NDX that adds liquidity with a premium of $30.00 would continue to be assessed $0.75 per contract (the $0.50 fee plus the $0.25 note 14 surcharge.

While the Exchange is increasing the NDX Non-Priority Customer fee, the Exchange believes that market participants will continue to transact NDX options on GEMX given the large notional value of NDX. Each options contract has a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level. For example, at an index level of 20,000, one NDX contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points. Because the Exchange's fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. The Exchange notes that the increase is modest relative to the value of the exposure each NDX contract provides.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposal to increase the Non-Priority Customer NDX fees for regular orders from $0.75 to $1.25 per contract is reasonable because Priority Customers will continue to be assessed a lower fee as compared to Non-Priority Customers, and the existing notes and surcharges in NDX will continue to apply unchanged. The Exchange believes that, even with the increase, Non-Priority Customer pricing in NDX will remain competitive and will continue to attract order flow to the Exchange.

The Exchange believes that the proposed Non-Priority Customer fee of $1.25 per contract in NDX options is reasonable when considered in relation to the notional value of the product. Each NDX options contract has a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level.[13] Because the Exchange's options fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. Viewed another way, a market participant seeking comparable Nasdaq 100 exposure through other products would generally need to trade many more contracts, each of which is subject to its own transaction fees. For example, a market participant seeking exposure equivalent to one NDX contract through options overlying Invesco QQQ Trust (''QQQ'')[14] would need to trade approximately 41 QQQ options contracts. Those contracts would be subject to per-contract transaction fees of up to $0.50 each on the Exchange for an aggregate cost of approximately $20.50. On a notional-equivalent basis, therefore, the proposed NDX options fees remain lower than the cost of obtaining similar exposure through alternative products. The Exchange also notes that the proposed fee is lower in some cases and higher in other cases than fees assessed by other exchanges for proprietary broad-based index options with similarly large notional values, such as S&P 500 Index (''SPX'') options on Cboe Exchange, Inc. (''Cboe'').[15] For these reasons, the Exchange believes that the proposed fee increase, while meaningful in absolute terms, is modest relative to the value of the exposure each contract provides. The Exchange believes the increase will not discourage market participants from transacting in NDX options on the Exchange.

Pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. The Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through Nasdaq proprietary products like options overlying NDX, NDXP or XND, or separately through multi-listed options overlying QQQ. Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. Market participants also may trade competing proprietary broad-based index options on other exchanges, such as SPX and RUT options listed on Cboe.[16]

The Exchange believes that its proposal to increase the Non-Priority Customer options fees for regular orders is equitable and not unfairly discriminatory because the increased fee will be applied uniformly to all Non-Priority Customers. Continuing to assess a lower NDX options fees to Priority Customers as compared to Non-Priority Customers is equitable and not unfairly discriminatory because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants to the benefit of all market participants who may interact with the order flow.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] For example, at an index level of 20,000, one NDX contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points.

[14] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX and XND.

[15] *See* Cboe Fees Schedule at: *https://www.cboe.com/us/options/membership/fee_schedule/*. With respect to non-customers, the base SPX rate is $0.28 for a market maker (falling to $0.21 on the SPX/SPXW Liquidity Provider Sliding Scale) which is notionally adjusted to $1.06 (falling to $0.80 on the SPX/SPXW Liquidity Provider Sliding Scale) and thus lower than GEMX's proposed $1.25 for Market Maker. The base SPX rate is $0.26 for a firm (with a further proprietary products sliding scale) which is notionally adjusted to $0.99 (with a further proprietary products sliding scale) and thus lower than GEMX's proposed $1.25 for Firm. The base SPX rate is $0.42 for a broker-dealer/professional which is notionally adjusted to $1.60 and thus higher than GEMX's proposed $1.25 for Broker-Dealers and Professionals.

[16] *See, e.g.,* pricing for Russell 2000 Index (''RUT'') on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees 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 not necessary or appropriate in furtherance of the purposes of the Act.

In terms of intra-market competition, the Exchange will apply the proposed Non-Priority Customer NDX options fees uniformly to all Non-Priority Customers. Continuing to assess a lower NDX options fees to Priority Customers as compared to Non-Priority Customers does not impose an undue burden on competition because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants to the benefit of all market participants who may interact with the order flow.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As noted above, market participants are offered an opportunity to transact in NDX, NDXP, or XND, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index.

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX options.[17] In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing options exchanges to maintain their competitive standing in the financial markets.

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 Act.[18] 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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2026–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–GEMX–2026–39. 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–GEMX–2026–39 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23107 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[17] *See e.g.,* pricing for RUT on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106868; File No. SR–FINRA–2026–024]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend the FINRA By-Laws, the FINRA Regulation By-Laws, the Plan of Allocation and Delegation of Functions by FINRA to Subsidiaries, FINRA's Restated Certificate of Incorporation, and FINRA Rule 5110

November 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 November 2, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to (1) amend the By-Laws of the Corporation (''FINRA By-Laws''), the By-Laws of FINRA Regulation, Inc. (''FINRA Regulation By-Laws'') and the Plan of Allocation and Delegation of Functions by FINRA to Subsidiaries (''Delegation Plan'') to revise FINRA's governance structure, including the composition and operation of the Board of Governors of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

FINRA (''FINRA Board'' or ''Board'') and committees established by the Board comprising solely Governors (''Board committees''); and (2) amend FINRA's Restated Certificate of Incorporation (''Certificate of Incorporation'') to conform relevant provisions to the amended and restated FINRA By-Laws. The proposed rule change also would make technical and conforming changes to the FINRA By-Laws, FINRA Regulation By-Laws, Delegation Plan, Certificate of Incorporation and FINRA rules.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The FINRA By-Laws, read together with the Certificate of Incorporation, govern the composition and operation of the FINRA Board. The Board includes individuals from member firms of various sizes and business models, as well as public leaders with expertise in markets, technology, regulatory oversight, business and law. In 1996, FINRA's predecessor, the National Association of Securities Dealers (''NASD''), amended its By-Laws to require that the number of non-industry Governors exceed the number of industry Governors.[3] The majority public structure was implemented when the By-Laws were last amended in 2007 in connection with the merger of NASD and NYSE Regulation to create FINRA.[4]

The FINRA By-Laws currently provide for a Board composed of up to 25 Governors, with 10 seats designated for ''Industry Governors,''[5] 11 to 14 seats designated for ''Public Governors''[6] and one seat reserved for FINRA's Chief Executive Officer (''CEO''), who is considered neither an Industry Governor nor a Public Governor.

Seven of the Industry Governor seats—three Small Firm Governors, one Mid-Size Firm Governor and three Large Firm Governors—are designated for individuals associated with FINRA members that correspond to each firm size. Pursuant to the FINRA By-Laws, a small firm employs at least one and no more than 150 registered persons; a mid-size firm employs at least 151 and no more than 499 registered persons; and a large firm employs 500 or more registered persons. (*See* FINRA By-Laws Article I.) Industry Governors are elected to these seats by the small, mid-size and large member firms, respectively. The three remaining Industry Governor seats are appointed, segment-specific seats, *i.e.,* a ''Floor Member Governor,'' an ''Independent Dealer/Insurance Affiliate Governor'' and an ''Investment Company Affiliate Governor,'' as those terms are defined in the FINRA By-Laws. (*See* FINRA By-Laws Article I.)

Overview of Proposed Amendments

FINRA is proposing to amend the FINRA By-Laws, FINRA Regulation By-Laws and Delegation Plan relating to the composition and operation of the FINRA Board and Board committees to modernize FINRA's governance structure and strengthen FINRA's self-regulatory model. As described below, FINRA is further proposing to amend the Certificate of Incorporation to conform relevant provisions to the amended and restated FINRA By-Laws and to make other updates and technical changes.

Among other changes, the proposed rule change would transition the FINRA Board from a majority of Public Governors to a majority of Industry Governors, while preserving a substantial role for public representatives on the Board—Public Governors would represent from 41.7 to 47.4 percent of the total number of Industry and Public Governors.[7] The proposed rule change also would potentially broaden industry representation, including among small firms, on the FINRA Board by converting the three appointed, segment-specific industry seats to three appointed, at-large industry seats. And, consistent with modern governance practices, the proposed rule change would reduce the size of the Board, which currently may have up to 25 members, to no more than 20 members.

With respect to the operation of the FINRA Board and Board committees, the proposed rule change would revise term limits, conform quorum requirements and provide more flexibility for the Board to manage the composition of the Board and its committees based on current needs, subject to minimum Industry and Public Governor representation requirements. The Audit Committee would continue to require a majority of Public Governors and continue to be chaired by a Public Governor, as is the case today.

FINRA believes that the proposed rule change would strengthen member engagement, increase access to industry expertise and better position FINRA to protect and serve investors, markets and member firms in an evolving industry and market environment. FINRA believes that the public benefits of the self-regulatory organization (''SRO'') model include the ability to leverage member knowledge, experience and insight. Appropriate member participation in FINRA's programs is important for capturing the deep, practical expertise that is central to self-regulation and helps FINRA effectively

[3] *See* Securities Exchange Act Release No. 37106 (April 11, 1996), 61 FR 16944 (April 18, 1996) (Order Approving File No. SR–NASD–96–02).

[4] *See* Securities Exchange Act Release No. 56145 (July 26, 2007), 72 FR 42169 (August 1, 2007) (Order Approving File No. SR–NASD–2007–023).

[5] Article I of the FINRA By-Laws currently defines ''Industry Governor'' or ''Industry committee member'' as: the Floor Member Governor, the Independent Dealer/Insurance Affiliate Governor and the Investment Company Affiliate Governor and any other Governor (excluding the Chief Executive Officer of the Corporation and, during the Transitional Period, the Chief Executive Officer of NYSE Regulation, Inc.) or committee member who: (1) is or has served in the prior year as an officer, director (other than as an independent director), employee or controlling person of a broker or dealer, or (2) has a consulting or employment relationship with or provides professional services to a self regulatory organization registered under the Act, or has had any such relationship or provided any such services at any time within the prior year.

[6] Article I of the FINRA By-Laws currently defines ''Public Governor'' or ''Public committee member'' as: any Governor or committee member who is not the Chief Executive Officer of the Corporation or, during the Transitional Period, the Chief Executive Officer of NYSE Regulation, Inc., who is not an Industry Governor and who otherwise has no material business relationship with a broker or dealer or a self regulatory organization registered under the Act (other than serving as a public director of such a self regulatory organization).

[7] Under the proposed rule change, the minimum number of Industry Governors would be seven and the minimum number of Public Governors would be five. In that instance, Public Governors would represent 5/12 or 41.7 percent of Public and Industry Governors. At the Board's proposed maximum size of 20, Industry Governors would account for 10 seats and Public Governors would account for nine seats. In that instance, Public Governors would represent 9/19 or 47.4 percent of Public and Industry Governors. FINRA's CEO would remain on the Board in a seat that is neither Industry nor Public.

carry out its mission of protecting investors and market integrity—including by producing better visibility into emerging threats, risky business practices and unfair tactics. In addition, the proposed rule change would provide the Board greater flexibility to draw on expertise from a broader range of business models to adapt to changes in the industry and ensure appropriate representation from across the membership—enhancing opportunities for a wider spectrum of member firms, including more small firms, to participate in governance. Finally, with a somewhat smaller size and greater flexibility to manage its operations, the Board would be more nimble and better able to benefit from the insights of both Industry and Public Governors.

FINRA notes that several of the factors that supported NASD's adoption of a majority non-industry Board over 30 years ago are significantly different from the environment FINRA faces today. NASD's change to its Board composition was one of many changes made in connection with an SEC enforcement action against NASD, which found that NASD failed to adequately oversee the Nasdaq market and that Nasdaq market makers exercised undue influence over NASD's operations and regulatory affairs.[8]

NASD fully divested Nasdaq in 2006, eliminating the market-driven conflicts of interest that had previously existed between NASD's self-regulatory obligations and the competitive incentives of Nasdaq market makers.[9] And FINRA has a number of important institutional safeguards in place to ensure that it serves its mission of protecting investors and market integrity. These include, in addition to substantial Public Governor involvement, organizational guardrails, procedural requirements and other checks and balances to provide for robust and fair regulatory and disciplinary functions, and greater transparency into FINRA's regulatory operations, rulemaking and finances to facilitate accountability.

More specifically, FINRA maintains a fully independent internal audit staff, which reviews all aspects of FINRA and its subsidiaries and reports directly to what will continue to be a majority public, Public Governor-chaired Audit Committee.[10] In addition, FINRA's Office of the Ombuds provides an independent, neutral and confidential source of assistance for individuals who have questions or concerns about the activities of FINRA and its employees. FINRA's ombuds staff also reports directly to the Audit Committee.[11] This structure ensures that the Audit Committee can investigate issues of concern.[12]

To ensure independence in disciplinary functions, FINRA's Office of Hearing Officers (''OHO'') serves as FINRA's adjudicatory forum for disciplinary and expedited proceedings. OHO is an independent office within FINRA that employs impartial professional Hearing Officers who preside over proceedings commenced by FINRA's Enforcement Department. OHO maintains strict independence from FINRA's regulatory and enforcement programs, and Hearing Officers are not involved in the investigative and examination processes of FINRA. Employment protections exist for Hearing Officers to further ensure their independence, and any termination by FINRA's CEO can be appealed to the Audit Committee.[13]

In addition, FINRA's Office of Disciplinary Affairs (''ODA''), which is independent of Enforcement and not involved in the investigation or litigation of cases, is charged with reviewing proposed settlements and complaints. ODA provides an independent review of the legal and evidentiary sufficiency of charges proposed by the Enforcement staff. ODA also reviews settlements for consistency with FINRA's Sanction Guidelines and applicable precedent.[14]

In furtherance of FINRA's mission to protect investors, FINRA's Investor Education Foundation provides educational programs and supports innovative research to protect investors and help them achieve their financial goals.[15]

FINRA also produces regular reports on its activities and finances, with publicly available reports on its budget and financial performance. All FINRA rule changes are subject to public review and comment, and FINRA disciplinary actions are made public. FINRA also produces regular information about its examination program and broader regulatory operations, including insights into findings from those operations.[16]

FINRA believes that these safeguards, among others, along with comprehensive SEC oversight and evaluation of such oversight by the Government Accountability Office (''GAO''),[17] provide strong assurance that FINRA will continue to perform its investor protection responsibilities while benefiting from the revised governance structure and strengthened self-regulatory model that the proposed rule change provides.

Proposed Amendments Relating to the FINRA Board

FINRA is proposing to amend the FINRA By-Laws with respect to the composition and operation of the FINRA Board as follows.

First, the proposed rule change would amend the FINRA By-Laws to require that the Board have a majority of Industry Governors. (*See* FINRA By-Laws Article VII, Section 4(a).) The minimum number of Industry Governors would be the seven existing

[8] *See In the Matter of National Association of Securities Dealers, Inc.,* Admin. Proc. File No. 3–9056, Securities Exchange Act Release No. 37538 (August 8, 1996) (Order Instituting Public Proceedings Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions) (the ''SEC Order''). The SEC Order imposes 14 undertakings, including that NASD maintain at least 50 percent independent public and non-industry membership on its Board, as well as specified subsidiaries, affiliates and committees. The SEC Order also requires that a majority of public and non-industry members and a public Chair serve on the Audit Committee. FINRA is separately applying to the SEC for relief solely from one undertaking relating to the composition of the Board and committees. This relief would not modify the separate undertaking that specifies the composition and Chair of the Audit Committee, as well as the maintenance of a substantial, independent audit staff.

[9] Such conflicts of interest were a ''primary focus'' of the SEC's enforcement action in 1996. *See* Report Pursuant to Section 21(a) of the Securities Exchange Act of 1934 Regarding the NASD and the NASDAQ Market (August 8, 1996), available at *https://www.sec.gov/litigation/investreports/nd21a-report.*

[10] *See, e.g.,* the 2025 FINRA Audit & Risk Committee Charter, available at *https://www.finra.org/about/governance/standing-committees/audit-committee-charter.*

[11] Additional information regarding the Office of the Ombuds can be found on FINRA's website at *https://www.finra.org/about/office-ombuds.*

[12] In addition to directing and overseeing the activities of FINRA's internal audit and ombuds functions, the Audit Committee monitors the performance of the independent outside auditors retained by FINRA, oversees FINRA's compliance with applicable legal and regulatory requirements and corporate policies, and assists the Board in its oversight of FINRA's enterprise risks.

[13] Additional information regarding OHO can be found on FINRA's website at *https://www.finra.org/rules-guidance/adjudication-decisions/office-hearing-officers-oho/about.*

[14] *See, e.g., Regulatory Notice* 09–17 (March 2009).

[15] Additional information regarding the Investor Education Foundation is available at *https://www.finrafoundation.org/.*

[16] *See, e.g.,* 2026 FINRA Annual Regulatory Oversight Report (December 9, 2025), available at *https://www.finra.org/rules-guidance/guidance/reports/2026-finra-annual-regulatory-oversight-report.*

[17] The GAO is required by statute to review the SEC's oversight of FINRA every three years in 10 specified areas, including conflicts of interest management and transparency of governance. *See, e.g.,* SEC's Oversight of the Financial Industry Regulatory Authority, GAO–25–107723 (November 12, 2024), available at *https://www.gao.gov/products/gao-25-107723.*

elected Industry Governor seats. The number of Public Governors would be required to be one or two less than the number of Industry Governors, meaning that at least 41.7 percent of Industry and Public Governors would be Public Governors. FINRA's CEO would remain on the Board in a seat that is neither Industry nor Public.

Second, the proposed rule change would amend the FINRA By-Laws to convert the three appointed Industry Governor seats (as noted above, these are the Floor Member Governor, the Independent Dealer/Insurance Affiliate Governor and the Investment Company Affiliate Governor) to appointed At Large Industry Governor seats. (*See* FINRA By-Laws Article VII, Section 4(a).) An ''At Large Industry Governor'' would be defined as a ''member of the Board to be appointed by the Board; provided however, to be eligible to serve, an At Large Industry Governor must qualify as an Industry Governor.'' (*See* FINRA By-Laws Article I.) The number of At Large Industry Governor seats would not exceed three.[18]

The FINRA Board would have flexibility to fill these seats based on the needs of FINRA by drawing from the expertise, experience and business models of the entire membership. In addition, the Board would be able to decide whether to further decrease its overall size by reducing the number of At Large Industry Governor seats. In such instance, the Board also would decrease the number of Public Governor seats to maintain the Industry Governor majority. In all scenarios, the total number of Public Governors on the Board would be one or two less than the total number of Industry Governors on the Board, thereby preserving substantial Public Governor participation in Board governance, as illustrated in greater detail below.

Third, the proposed rule change would reduce the total number of seats on the Board to a maximum of 20, comprising: (1) seven to 10 Industry Governors (seven elected Industry Governors, *i.e.,* three Small Firm Governors, one Mid-Size Firm Governor and three Large Firm Governors, and zero to three appointed At Large Industry Governors (as determined by the Board)); (2) five to nine Public Governors (as determined by the Board, always one or two less than the total number of Industry Governors); and (3) FINRA's CEO. As amended, Article VII, Section 4(a) of the FINRA By-Laws would provide that the FINRA Board shall consist of no fewer than 13 nor more than 20 Governors.

As noted, the proposed rule change provides for substantial continued public representation on the Board, with Public Governors comprising at least 41.7 percent of the total number of Industry and Public Governors. For example, if the Board has the minimum number of Industry Governors, *i.e.,* the seven elected Industry Governor seats, then the number of Public Governors can be no less than five and no more than six. If there are five Public Governors (*i.e.,* two less than the number of Industry Governors), then the Public Governors would comprise 41.7 percent of the total number of Industry and Public Governors. If there are six Public Governors (*i.e.,* one less than the number of Industry Governors), then the Public Governors would comprise 46.2 percent.

If the Board has the maximum number of Industry Governors, *i.e.,* the seven elected Industry Governor seats and the three appointed At Large Industry Governor seats, then the number of Public Governors can be no less than eight and no more than nine. If there are eight Public Governors (*i.e.,* two less than the number of Industry Governors), then the Public Governors would comprise 44.4 percent of the total number of Industry and Public Governors. If there are nine Public Governors (*i.e.,* one less than the number of Industry Governors), then the Public Governors would comprise 47.4 percent.[19]

Fourth, the proposed rule change would amend the FINRA By-laws to revise the quorum requirements to reflect the changes to the Board's composition. Specifically, a majority of the Board, including not less than 50 percent of the Public Governor members (which is currently required) and 50 percent of the Industry Governor members (which would be a new requirement) would be needed to constitute a quorum of the Board. (*See* FINRA By-Laws Article VII, Section 8.)

Finally, the proposed rule change would amend the FINRA By-Laws to extend the current Board term limits from two consecutive three-year terms to three consecutive three-year terms. (*See* FINRA By-Laws Article VII, Section 5.) This would provide the possibility that Governors could serve for up to nine years (versus six years currently).[20] Section 5 would also be amended to clarify that any appointed or elected Governor who fills a vacancy of a Governor position or a new Governor position shall serve for the remaining term of the class [21] or until a successor is duly appointed and qualified, or until death, resignation, disqualification or removal.

Proposed Amendments Relating to the FINRA Board Committees

The FINRA By-Laws provide for the following Board committees: the Nominating Committee,[22] Executive Committee, Audit Committee [23] and Finance Committee.[24] (*See* FINRA By-Laws Article VII, Section 9, and Article IX, Sections 4, 5 and 6, respectively.) The FINRA By-Laws also provide generally for any other committee or subcommittee appointed by the Board. (*See* FINRA By-Laws Article IX, Section 1(b).) Additional Board committees are provided for under the FINRA Regulation By-Laws (specifically, the FINRA Regulation Board of Directors (''FINRA Regulation Board'') [25] under Article IV) and the Delegation Plan (specifically, the Management Compensation Committee (''Compensation Committee'') [26] under Section I.C.).[27] FINRA is proposing to modify composition and other requirements for the Board committees and subcommittees as follows.

First, the proposed rule change would amend the FINRA By-Laws to establish

[18] FINRA is proposing to update the definition of ''Industry Governor'' to remove legacy language that, if not removed, would allow employees and consultants of SROs to qualify for the proposed At Large Industry Governor seats. (*See* FINRA By-Laws Article I.) In addition, FINRA is proposing to make related amendments to the definition of ''Public Governor'' to exclude persons that have, or had within the prior year, an employment relationship with an SRO (other than serving as a public director of such SRO). The proposed rule change would make conforming changes to the definitions of ''Industry Director'' and ''Public Director'' of the FINRA Regulation Board. (*See* FINRA By-Laws Article I and FINRA Regulation By-Laws Article I.)

[19] FINRA notes that the seat reserved for FINRA's CEO has been excluded from these calculations.

[20] FINRA notes that when evaluating whether to nominate a Governor to a third term, the Board's Nominating and Governance Committee or ''Nominating Committee,'' which is responsible for identifying qualified candidates for the appointed Industry and Public Governor seats on the Board, may consider, among other factors, whether there are succession or similar considerations that support such nomination, including extensive subject-matter knowledge, significant unplanned turnover and desired continuity in the Board or a committee Chair.

[21] The appointed and elected Governors are divided into classes pursuant to Article VII, Section 5 to stagger their terms of office.

[22] This committee is known as the Nominating and Governance Committee.

[23] This committee is known as the Audit and Risk Committee.

[24] This committee is known as the Finance, Operations and Technology Committee.

[25] This committee is known as the Regulatory Policy Committee, which sits as the FINRA Regulation Board.

[26] This committee is known as the Compensation and Human Capital Committee.

[27] Information regarding the Board committees can be found on FINRA's website at *https://www.finra.org/about/governance/standing-committees.*

minimum composition requirements for Board committees, as set out below. Subject to these requirements, other Board committee governance requirements (*e.g.,* number and composition of committee members and Chair designation) would be established by the Board in the committees' respective governing documents. This would provide the Board with greater discretion to establish and modify, as needed, the size, composition and leadership of its committees to best suit FINRA's circumstances and governance needs.

As noted above, the Audit Committee would continue to have a majority of Public Governors and be chaired by a Public Governor. Specifically, the amended and restated FINRA By-Laws would provide that the Audit Committee ''shall include a number of Public Governors as members thereof in excess of the number of Industry Governors which are members thereof'' and retain the requirement that a Public Governor serve as Chair of the Committee. (*See* FINRA By-Laws Article IX, Section 5(a).) This would ensure that the FINRA Board would continue to have an appropriately constituted committee to review any alleged concerns arising from FINRA's conduct or from industry participation in FINRA's governance and oversight of member firms. FINRA is proposing to delete the requirement that the Audit Committee consist of four or five Governors to provide the Board flexibility to determine the appropriate size of the Audit Committee, consistent with other Board committees. FINRA officers and employees would continue to be prohibited from being members of the Audit Committee. (*See* FINRA By-Laws Article IX, Section 5(a).)

For all other Board committees, the proposed rule change would delete requirements in the FINRA By-Laws relating to the size of any given committee and require that each Board committee have (1) at least two Public Governors and at least two Industry Governors; and (2) a minimum number of Public Governors that is one or two less than the number of Industry Governors, depending on the size of the committee.[28] (*See* FINRA By-Laws Article VII, Section 9(b) (relating to the Nominating Committee), Article IX, Section 1(b) (relating to Board committees and subcommittees generally), Article IX, Section 4(b) (relating to the Executive Committee) and Article IX, Section 6(b) (relating to the Finance Committee).) The first requirement would ensure a minimum representation of both Industry and Public Governors on each Board committee. The second requirement would ensure that Public Governors continue to have meaningful representation on each Board committee.

Thus, except for the Audit Committee—which must be majority public and have a public Chair—the Board could choose to appoint a committee with a majority of Public Governors, a majority of Industry Governors, or an equal number of Public and Industry Governors, based on the needs of FINRA at the time, *e.g.,* the expertise of particular Governors. Similarly, the Board could choose a committee Chair who is a Public Governor or an Industry Governor.

The proposed rule change would make conforming amendments to the FINRA Regulation By-Laws relating to the FINRA Regulation Board. Specifically, the FINRA Regulation Board must have at least two Public Directors and at least two Industry Directors and, depending on its size, must have a minimum number of Public Directors that is one or two less than the number of Industry Directors. (*See* FINRA Regulation By-Laws Article IV, Section 4.3(a).)

In addition, FINRA is proposing to delete the requirement that the FINRA Regulation Board consist of no fewer than five and no more than 17 Directors to provide the FINRA Board flexibility to determine the appropriate number of Directors based on FINRA's needs.[29] (*See* FINRA Regulation By-Laws Article IV, Section 4.2.) FINRA's CEO and the Chair of the FINRA Board would continue to serve as ex-officio non-voting members of the FINRA Regulation Board. (*See* FINRA Regulation By-Laws Article IV, Section 4.3.)

FINRA notes that the FINRA Regulation By-Laws also require that at least two and not less than 20 percent of the members of the FINRA Regulation Board be elected Governors, *i.e.,* Small Firm, Mid-Size Firm or Large Firm Governors.[30] The proposed rule change would not modify this provision.

Second, the proposed rule change would amend the FINRA By-Laws to remove the one-year term limits that currently exist for certain Board committees[31] and adopt a new provision, consistent with Delaware law and current governance practices, expressly authorizing the FINRA Board to appoint committee members for such terms as the Board deems advisable. Specifically, proposed FINRA By-Laws Article IX, Section 8 would provide that committee and subcommittee members shall hold office for such term as may be determined by the Board and until a successor is duly appointed, or until such member's earlier death, resignation, disqualification or removal.[32] In addition, the proposed rule change would adopt FINRA By-Laws Article IX, Section 3(b) to authorize the Board, in addition to appointing committee members for such terms as the Board deems advisable, to review the composition of the committees and subcommittees and change the membership of the committees and subcommittees from time to time as the Board deems advisable.[33] Consistent with its current practice, the FINRA Board intends to

[28] Specifically, if the number of members of the committee is seven or fewer, the minimum number of Public Governors must be one less than the number of Industry Governors. If the number of members is eight or greater, the minimum number of Public Governors must be two less than the number of Industry Governors. Thus, for example, on a seven-member committee, there must be a minimum of three Public Governors, which would comprise 42.9 percent of the committee. On an eight-member committee, there must be a minimum of three Public Governors, comprising 37.5 percent of the committee.

[29] The FINRA Regulation By-Laws provide that the number of FINRA Regulation Board members will be determined by resolution adopted by the stockholder of FINRA Regulation from time to time. *See* FINRA Regulation By-Laws Article IV, Section 4.2. Pursuant to Article XI, Section 11.1 of the FINRA Regulation By-Laws, FINRA is the sole stockholder of the capital stock of FINRA Regulation.

[30] The requirement for a minimum representation of elected Governors on the FINRA Regulation Board is unique to this committee and helps ensure that elected representatives of the industry have a role in the rulemaking and regulatory oversight functions of the Board.

[31] *See* FINRA By-Laws Article VII, Section 9(c) (relating to the Nominating Committee), Article IX, Section 4(c) (relating to the Executive Committee), Article IX, Section 5(a) (relating to the Audit Committee) and Article IX, Section 6(b) (relating to the Finance Committee).

[32] The provisions relating to the removal of a Board committee member would be amended to clarify that the member may be removed ''for cause during the term for which they have been appointed by the Board'' by majority vote, after appropriate notice. *See* FINRA By-Laws Article VII, Section 9(c) and Article IX, Section 3(a). The proposed amendments more closely align the FINRA By-Laws with Delaware law, the relevant provisions of which generally give a board of directors of a Delaware corporation broad discretion with respect to the composition of board committees. The proposed amendments give the Board greater flexibility with respect to the appointment and removal of Board committee members (and changes to the slate of members serving on a committee from time to time), while retaining and harmonizing the existing requirement that notice be given to Board committee members if they are going to be removed for grounds that would otherwise constitute cause.

[33] Proposed FINRA By-Laws Article IX, Section 3(b) also provides that ''For the avoidance of doubt, any action that may be taken by the Board pursuant to this Section 3(b) may be taken by any duly authorized committee thereof.''

review committee membership on an annual basis.

Third, the proposed rule change would amend the quorum requirements under the FINRA By-Laws to reflect the increased industry representation on the Board committees and create a simplified uniform requirement. Specifically, the current committee-specific quorum requirements [34] would be deleted, and pursuant to proposed FINRA By-Laws Article IX, Section 7, a quorum would consist of a majority of the committee (or subcommittee, as applicable), including not less than 50 percent of the Public Governor members (which is currently required) and not less than 50 percent of the Industry Governor members (which would be a new requirement).

Conforming amendments relating to the quorum requirements for the FINRA Regulation Board would be made to Article IV, Section 4.9 of the FINRA Regulation By-Laws.[35] This Section would also be amended to clarify that the ex-officio non-voting members of the FINRA Regulation Board do not count for purposes of determining quorum or whether a majority vote has been obtained.[36]

Fourth, the proposed rule change would amend the FINRA By-Laws to provide expressly that the Nominating Committee, Audit Committee and Finance Committee shall exercise any such other powers and duties, and perform such other functions, as may be authorized by the Board. (*See* proposed FINRA By-Laws Article VII, Section 16, and amended Article IX, Section 5(b) and Article IX, Section 6(a), respectively.)

Finally, the proposed rule change would delete Section I.C. (Management Compensation Committee) of the Delegation Plan in its entirety.[37] This committee, which is the only Board committee established in the Delegation Plan, would be governed by the general provisions of the FINRA By-Laws applicable to other committees appointed by the FINRA Board pursuant to Article IX, Section 1(b).

Comparison of Current and Proposed Requirements

The following chart summarizes the current and proposed composition, quorum and term requirements relating to the FINRA Board and Board committees. The following is only a summary; the text of the proposed rule change is [provided in] Exhibit 5.[38]

Topic	Current	Proposed
FINRA Board Composition	The Board consists of 16 to 25 Governors. The number of Public Governors exceeds the number of Industry Governors. The Board of Governors consists of (i) FINRA's CEO, (ii) a number of Public Governors determined by the Board, (iii) a Floor Member Governor, an Independent Dealer/Insurance Affiliate Governor and an Investment Company Affiliate Governor, and (iv) three Small Firm Governors, one Mid-Size Firm Governor and three Large Firm Governors.	The Board consists of 13 to 20 Governors. The number of Industry Governors exceeds the number of Public Governors. The Board of Governors consists of (i) FINRA's CEO, (ii) a number of Public Governors that is one or two less than the number of Industry Governors, as determined by the Board, (iii) a number of At Large Industry Governors, not to exceed three, as determined by the Board, and (iv) three Small Firm Governors, one Mid-Size Firm Governor and three Large Firm Governors.
At Large Industry Governor	Not applicable.	Means a member of the Board appointed by the Board who qualifies as an Industry Governor.
Industry Governor	Means the Floor Member Governor, the Independent Dealer/Insurance Affiliate Governor and the Investment Company Affiliate Governor and any other Governor (excluding FINRA's CEO and, during the Transitional Period, the CEO of NYSE Regulation, Inc.) who: (1) is or has served in the prior year as an officer, director (other than as an independent director), employee or controlling person of a broker or dealer, or (2) has a consulting or employment relationship with or provides professional services to a self-regulatory organization registered under the Act, or has had any such relationship or provided any such services at any time within the prior year.	Means a Governor (excluding FINRA's CEO) who is or has served in the prior year as an officer, director (other than as an independent director), employee or controlling person of a broker or dealer.
Elected Governors	The Elected Governors include the three Small Firm Governors, one Mid-Size Firm Governor and the three Large Firm Governors, and are elected by the firms in the same category. A Small Firm Governor must be registered with a Small Firm member (a member with at least one and no more than 150 registered persons) and be an Industry Governor. A Mid-Size Firm Governor must be registered with a Mid-Size Firm member (a member with at least 151 and no more than 499 registered persons) and be an Industry Governor. A Large Firm Governor must be registered with a Large Firm member (a member with at least 500 registered persons) and be an Industry Governor.	No change to these definitions (other than removing provisions relating to the transitional period following the consolidation of NASD with NYSE Regulation).

[34] *See* FINRA By-Laws Article VII, Section 9(e) (relating to the Nominating Committee), Article IX, Section 4(d) (relating to the Executive Committee), Article IX, Section 5(e) (relating to the Audit Committee) and Article IX, Section 6(c) (relating to the Finance Committee).

[35] Pursuant to the proposed rule change, Section 4.9 would be renumbered as Section 4.8.

[36] Similar language would be added to FINRA Regulation By-Laws Article IV, Section 4.15 (which would be renumbered as Section 4.14) to clarify that consent by the ex-officio non-voting members of the FINRA Regulation Board would not be required to approve actions taken without a meeting.

[37] Pursuant to the proposed rule change, subsections D. through E. of Delegation Plan Section I. would be redesignated as C. through D.

[38] [See asterisk at the end of the table.]

Topic	Current	Proposed
Floor Member Governor	Means an appointed member of the Board who is a person associated with a member (or a firm in the process of becoming a member) which is a specialist or floor broker on the New York Stock Exchange trading floor.	Deleted from the FINRA By-Laws
Independent Dealer/Insurance Affiliate Governor	Means an appointed member of the Board who is a person associated with a member which is an independent contractor financial planning member firm or an insurance company, or an affiliate of such a member.	Deleted from the FINRA By-Laws
Investment Company Affiliate Governor	Means an appointed member of the Board who is a person associated with a member which is an Investment Company or an affiliate of such a member.	Deleted from the FINRA By-Laws
Public Governor	Means an appointed member of the Board (excluding FINRA's CEO) who is not an Industry Governor and who otherwise has no material business relationship with a broker or dealer or SRO registered under the Act (other than serving as a public director of such SRO).	Means an appointed member of the Board (excluding FINRA's CEO) who (1) is not an Industry Governor, (2) does not have, and has not had within the prior year, an employment relationship with an SRO registered under the Act (other than serving as a public director of such SRO) and (3) otherwise has no material business relationship with a broker or dealer or an SRO registered under the Act (other than serving as a public director of such SRO).
Term of Office of Governors	Governors may serve no more than two consecutive three-year terms. If a Governor is appointed or elected to fill a vacancy where the remaining term is less than one year, the Governor may serve up to two consecutive terms following the expiration of the Governor's initial term.	Governors may serve no more than three consecutive three-year terms. If a Governor is appointed or elected to fill a vacancy where the remaining term is less than one year, the Governor may serve up to three consecutive terms following the expiration of the Governor's initial term.
Board Quorum	A quorum for the transaction of business consists of a majority of the Board, including not less than 50 percent of the Public Governors.	A quorum for the transaction of business consists of a majority of the Board, including not less than 50 percent of the Public Governors and not less than 50 percent of the Industry Governors.
Audit Committee Composition	The Audit Committee consists of four or five Governors, none of whom are officers or employees of FINRA. The Audit Committee must include a majority of Public Governors and must include at least two Public Governors. A Public Governor serves as Chair of the Audit Committee.	No members of the Audit Committee shall be officers or employees of FINRA. The Audit Committee must include a majority of Public Governors. A Public Governor serves as Chair of the Audit Committee.
Executive Committee Composition	The Executive Committee consists of no fewer than five and no more than eight Governors and must include a majority of Public Governors.	The Executive Committee consists of at least two Public Governors and at least two Industry Governors. If the number of members is seven or fewer, the Executive Committee has a minimum number of Public Governors that is one less than the number of Industry Governors. If the number of members is eight or greater, the Executive Committee has a minimum number of Public Governors that is two less than the number of Industry Governors.
Finance Committee Composition	The Finance Committee consists of four or more Governors and must include a majority of Public Governors.	The Finance Committee consists of at least two Public Governors and at least two Industry Governors. If the number of members is seven or fewer, the Finance Committee has a minimum number of Public Governors that is one less than the number of Industry Governors. If the number of members is eight or greater, the Finance Committee has a minimum number of Public Governors that is two less than the number of Industry Governors.
Nominating Committee Composition	The number of Public Governors on the Nominating Committee equals or exceeds the number of Industry Governors.	The Nominating Committee includes at least two Public Governors and at least two Industry Governors. If the number of members is seven or fewer, the Nominating Committee has a minimum number of Public Governors that is one less than the number of Industry Governors. If the number of members is eight or greater, the Nominating Committee has a minimum number of Public Governors that is two less than the number of Industry Governors.

Topic	Current	Proposed
Composition of all Other Board Committees	Any other committee having the authority to exercise the powers and authority of the Board has a number of Public Governors as members in excess of the number of Industry Governors.	Any other committee having the authority to exercise the powers and authority of the Board has at least two Public Governors and at least two Industry Governors. If the number of members is seven or fewer, the committee has a minimum number of Public Governors that is one less than the number of Industry Governors. If the number of members is eight or greater, the committee has a minimum number of Public Governors that is two less than the number of Industry Governors.
FINRA Regulation Board Composition	The FINRA Regulation Board consists of no fewer than five and no more than 17 Directors and must include a majority of Public Directors. The Chairman of the FINRA Board and FINRA's CEO are ex-officio non-voting members. At least two, and not less than 20 percent, of the Directors are Small Firm, Mid-Size Firm or Large Firm Governors.	The FINRA Regulation Board consists of at least two Public Directors and at least two Industry Directors. If the number of Directors is seven or fewer, the FINRA Regulation Board has a minimum number of Public Directors that is one less than the number of Industry Directors. If the number of Directors is eight or greater, the FINRA Regulation Board has a minimum number of Public Directors that is two less than the number of Industry Directors. The Chairman of the FINRA Board and the FINRA's CEO are ex-officio non-voting members. At least two, and not less than 20 percent, of the Directors are Small Firm, Mid-Size Firm or Large Firm Governors.
Management Compensation Committee Composition	The Management Compensation Committee consists of no fewer than four and no more than seven Governors. The number of Non-Industry members equals or exceeds the number of Industry members. FINRA's CEO is an ex-officio non-voting member.	Deleted from the Delegation Plan.*
Committee Quorum Requirements	A quorum for the transaction of business for the Nominating Committee consists of a majority of the Nominating Committee. A quorum for the transaction of business for the Executive Committee, Audit Committee and Finance Committee consists of a majority of the committee, including not less than 50 percent of the Public Committee members.	A quorum for the transaction of business consists of a majority of the committee, including not less than 50 percent of the Public Governor committee members and not less than 50 percent of the Industry Governor committee members.
Terms of Committee Members	Members of the Audit Committee, Executive Committee and Finance Committee hold office for one-year terms. Members of the Nominating Committee are appointed annually by the Board.	Members of the Board committees are appointed by the Board to hold office for such term as may be determined by the Board.

* As noted above, with the deletion of Delegation Plan Section I.C., the composition of the Compensation Committee will be governed by the general provisions of the FINRA By-Laws applicable to Board committees. (See FINRA By-Laws Article IX, Section 1(b).) Specifically, the Compensation Committee will have at least two Public Governors and at least two Industry Governors. If the number of members is seven or fewer, the Compensation Committee will have a minimum number of Public Governors that is one less than the number of Industry Governors. If the number of members is eight or greater, the Compensation Committee will have a minimum number of Public Governors that is two less than the number of Industry Governors.

Proposed Amendments Consistent With Delaware Law

FINRA is proposing additional amendments to update and clarify the FINRA By-Laws and FINRA Regulation By-Laws consistent with Delaware law. The proposed rule change would:

- update the FINRA By-Laws to expressly allow the Chair of any meeting of FINRA's members to convene, recess or adjourn the meeting, which is a common feature of the by-laws of Delaware corporations (*see* FINRA By-Laws Article XXI);
- update the provisions relating to conflicts of interest to reflect updates to Section 144 of the Delaware General Corporation Law, which was overhauled in 2025 (*see* FINRA By-Laws Article XV, Section 4, and FINRA Regulation By-Laws Article IV, Section 4.14(b));[39]
- update the provision in the FINRA By-Laws relating to the removal of FINRA officers, as permitted by Delaware law and common practice for Delaware corporations, to provide additional flexibility for removal by a duly authorized officer or an officer who appointed the officer (*see* FINRA By-Laws Article VIII, Section 6(b));
- clarify and harmonize provisions in the FINRA Regulation By-Laws governing the voting standard required for the FINRA Regulation Board to remove officers (*see* FINRA Regulation By-Laws Article VII, Section 7.1);[40]
- incorporate references in the FINRA Regulation By-Laws to the statutory requirement that actions taken by the stockholder of FINRA Regulation without a meeting be delivered to FINRA Regulation (*see* FINRA Regulation By-Laws Article III, Section 3.1);
- update and harmonize provisions in the FINRA Regulation By-Laws relating to the removal, resignation and disqualification of Directors,[41] and the

[39] Pursuant to the proposed rule change, FINRA Regulation By-Laws Article IV, Section 4.14 would be renumbered as Section 4.13.

[40] FINRA notes that the standard for removal of officers is specified in FINRA Regulation By-Laws Article VII, Section 7.5(b), which is not being modified by the proposed rule change.

[41] With respect to the proposed deletion of language in Article IV, Section 4.7(a) relating to disqualification, because FINRA Regulation is a

Continued

filling of vacancies and newly-created directorships in a manner consistent with applicable provisions of Delaware law (*see* FINRA Regulation By-Laws Article IV, Sections 4.6, 4.7 and 4.8);[42]

- update and clarify provisions in the FINRA Regulation By-Laws relating to the appointment of committees by the FINRA Regulation Board and the powers that can be delegated to such committees under Delaware law (*see* FINRA Regulation By-Laws Article IV, Section 4.13, which would be renumbered as Section 4.12);[43]
- delete provisions in the FINRA Regulation By-Laws that specifically provide for two committees of the FINRA Regulation Board that do not currently exist and are not needed today for the operation of the FINRA Regulation Board, *i.e.,* an Executive Committee[44] and Finance Committee; FINRA notes that the creation of any such committees in the future would be governed by the provisions of the FINRA Regulation By-Laws relating to committees generally, and the size, composition and other requirements for such committees would be specified in the committee governing documents (*see* FINRA Regulation By-Laws Article IV, Section 4.13 (which, as noted above, would be renumbered as Section 4.12));
- update provisions in the FINRA Regulation By-Laws pertaining to indemnification and advancement of expenses to reflect market practice and current case law, and clarify that certain indemnification provisions do not apply to committee members who are not Directors (*see* FINRA Regulation By-Laws Article X);[45]
- clarify requirements in the FINRA Regulation By-Laws regarding FINRA Regulation's share certificates, stock ledger and corporate seal (*see* FINRA Regulation By-Laws Article XI, Sections 11.2 through Section 11.4 and Article XII, Section 12.1, respectively);
- clarify in the FINRA Regulation By-Laws that records may be maintained by any method permitted by Delaware law (*see* FINRA Regulation By-Laws Article XII, Section 12.5); and
- make additional updates and clarifying changes to ensure internal consistency and conformity with Delaware law.

Proposed Technical and Conforming Updates

FINRA is proposing a number of technical and conforming changes to the FINRA By-Laws and FINRA Regulation By-Laws. The proposed rule change would:

- delete defined terms and provisions in the FINRA By-Laws relating to the closing of the transaction to consolidate NASD with NYSE Regulation, the subsequent transitional period and legacy committees that were only operable during the transitional period following the closing (among others, *see* FINRA By-Laws Article I, Article IX, Section 7 and Article XXII);
- change references from NASD and NASD Regulation to FINRA and FINRA Regulation (among others, *see* FINRA By-Laws Article I and FINRA Regulation By-Laws Article I);
- remove references in the FINRA By-Laws to NASD Dispute Resolution, which was merged into FINRA Regulation in 2015 (among others, *see* FINRA By-Laws Article I);
- update the provisions relating to mailing notices and other information to allow for electronic communication in lieu of paper mailing (*see* FINRA By-Laws Article XXI and FINRA Regulation By-Laws Article VI, Section 6.3);
- update the provisions relating to FINRA's registered agent, as they are currently outdated and may change from time to time (*see* FINRA By-Laws Article II and FINRA Regulation By-Laws Article II);
- update defined terms, including adding a definition of ''Restated Certificate of Incorporation'' and deleting ''beginning with the Rule 0100 Series'' in the definition of ''Rules of the Corporation'' (*see* FINRA By-Laws Article I and FINRA Regulation By-Laws Article I); and delete definitions that are no longer used, such as ''Floor Member Governor,'' ''Independent Dealer/Insurance Affiliate Governor'' and ''Investment Company Affiliate Governor'' (*see* FINRA By-Laws Article I);[46] and
- renumber provisions and update cross-references throughout the FINRA By-Laws and FINRA Regulation By-Laws.

Proposed Amendments to the Certificate of Incorporation

FINRA is proposing to amend the Certificate of Incorporation, which will be filed with the Delaware Secretary of State, to conform relevant provisions to the amended and restated FINRA By-Laws. Specifically, the proposed rule change would amend Article Second to update FINRA's registered office and registered agent; Article Eighth to update provisions relating to the composition of the FINRA Board, terms of office and classes of appointed and elected Governors; and Article Twelfth[47] to update definitions in accordance with the proposed amendments to the FINRA By-Laws.

In addition, Article Fifth of the Certificate of Incorporation would be amended to update the provisions relating to indemnification, advancement of expenses and liability insurance to align with current Delaware law and market practice. The amended Certificate of Incorporation also would clarify that certain indemnification and insurance provisions do not apply to committee members who are not Governors, other than members of FINRA's Investment Committee.

Finally, the proposed rule change would make technical conforming changes to the Certificate of Incorporation, *e.g.,* to change NASD to FINRA and remove references to the transitional period following the closing of the transaction to consolidate NASD with NYSE Regulation, including the deletion of Article Eleventh.

If the Commission approves the proposed rule change, the effective date will be the date of filing with the Delaware Secretary of State of an amended and restated Certificate of Incorporation, which is intended to be no later than the commencement of the 2027 Annual Meeting. FINRA anticipates that the 2027 Annual Meeting will take place during the third or fourth quarter of 2027.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(2) of the Act,[48] which requires that FINRA be so organized and have the capacity to be able to carry out

stock corporation, FINRA, as the sole stockholder, would be required to remove a Director described therein.

[42] Pursuant to the proposed rule change, FINRA Regulation By-Laws Article IV, Sections 4.6 and 4.7 would be consolidated into Section 4.6, and the remaining paragraphs of Article IV would be renumbered accordingly.

[43] Pursuant to the proposed rule change, paragraphs (b) and (c) of renumbered Section 4.12 would be consolidated and streamlined, paragraph (c) would be deleted and the remaining paragraphs would be redesignated accordingly.

[44] A conforming change would be made to FINRA Regulation By-Laws Article VI, Section 6.14 and Article VIII, Section 8.18 to clarify that the Executive Committee referred to therein is the Executive Committee of the FINRA Board.

[45] This proposed change conforms to the proposed amendment to the Certificate of Incorporation, discussed below, clarifying that indemnification does not extend to committee members who are not Governors, other than members of FINRA's Investment Committee.

[46] The proposed rule change would redesignate the remaining paragraphs of Article I of the FINRA By-Laws accordingly and make a conforming change to update the cross-reference to Article I(rr) that appears in FINRA Rule 5110(j)(1).

[47] The proposed rule change would renumber Article Twelfth as Article Eleventh.

[48] 15 U.S.C. 78*o*–3(b)(2).

the purposes of the Act, to comply with the Act and to enforce compliance by FINRA members and persons associated with members with the Act, the rules and regulations thereunder, FINRA rules and the rules of the MSRB; Section 15A(b)(4) of the Act,[49] which requires that FINRA's rules assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of FINRA, broker or dealer; and Section 15A(b)(6) of the Act,[50] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change to revise FINRA's Board governance structure provides for the organization of FINRA in a manner that will continue to enable FINRA to carry out the purposes of the Act and to comply and enforce compliance by FINRA members with the Act. FINRA believes that the proposed rule change assures a fair representation of FINRA's members in the selection of its Governors and administration of its affairs and complies with the public participant requirements of the Act, including the issuer and investor representation requirement.

As discussed above, the proposed rule change would transition the FINRA Board to a majority of Industry Governors, while preserving a substantial role for public representatives on the Board. Seven Industry Governor seats (*i.e.,* three Small Firm Governors, one Mid-Size Firm Governor and three Large Firm Governors) would continue to be elected by small, mid-size and large member firms, respectively. The conversion of three appointed segment-specific Industry seats to three appointed At Large Industry seats would potentially broaden industry representation, including among small firms.

FINRA members will continue to have extensive involvement in the administration of FINRA's affairs through participation in advisory committees, disciplinary hearing panels and the National Adjudicatory Council, among others. The Commission has previously found that such participation further provides for the fair representation of members in the administration of the affairs of an SRO, particularly with respect to participation on committees relating to rulemaking and relating to the disciplinary process.[51]

At the same time, the proposed rule change would preserve a substantial role for public representatives on the Board by requiring that the number of Public Governors on the Board be one or two less than the number of Industry Governors. The Public Governors would represent no less than 41.7 percent of the total number of Industry and Public Governors on the Board. In addition, the proposed rule change provides for a minimum number of Public Governors on Board committees, and the Audit Committee must continue to be public majority and chaired by a Public Governor. The Commission has previously found that Public Governors, none of which may have a material relationship with a broker or dealer or registered SRO, satisfy the requirement under the Act to have at least one director representative of issuers and investors.[52]

FINRA believes its internal safeguards, along with comprehensive SEC oversight and evaluation of such oversight by the GAO, provide strong assurance that FINRA will continue to perform its investor protection responsibilities and safeguard market integrity.

Finally, FINRA believes that the proposed amendments to make technical and other conforming changes to, among other things, update defined terms and cross-references, will provide greater clarity to members and the public regarding FINRA rules and FINRA's corporate documents as they appear in the FINRA Manual.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The regulatory need for the proposed rule change is described above in Item II.A.1.

Economic Baseline

The economic baseline for the proposed rule change consists of the current FINRA By-Laws governing the composition, structure and operation of the FINRA Board and its committees.

In general, corporate boards provide direction, monitoring and accountability to help ensure stewardship and enable the organization to have access to vital external resources and information.[53] As the Board of an SRO, FINRA's Board differs from conventional corporate boards in that it is meant to provide fair representation across its membership and serve the other statutory requirements of the Act.[54] Although there may be broad agreement on the importance of these requirements, individual Governors may differ in their perspectives and beliefs as how to best meet FINRA's statutory obligations. Industry Governors will typically have more technical and detailed current knowledge regarding the brokerage industry, member-firm business models and evolving industry conditions, while Public Governors will have a wider variety of backgrounds reflective of the governance needs of the organization, which will not always include knowledge of the brokerage industry that is comparable to Industry Governors.

Industry and Public Governors will, given the requirements of their classification, have different backgrounds, business affiliations and relationships. Each individual Governor will be informed by their own experience and current situation, thus perspectives, knowledge and incentives may differ both between the groups and among Governors within each group. The balance of these may influence the Board's oversight of and advice to management and, in turn, how FINRA fulfills its mission.[55] Differences among

[49] 15 U.S.C. 78*o*–3(b)(4).

[50] 15 U.S.C. 78*o*–3(b)(6).

[51] *See* Securities Exchange Act Release No. 56145 (July 26, 2007), 72 FR 42169, 42185 (August 1, 2007) (Order Approving File No. SR–NASD–2007–023).

[52] *See supra* note 51.

[53] *See, e.g.,* Eugene F. Fama & Michael C. Jensen, Separation of Ownership and Control, 26 Journal of Law and Economics (1983), Michael Jensen & William Meckling, Theory of the Firm: Managerial Behavior, Agency Costs, and Ownership Structure, 3(4) Journal of Financial Economics 305 (1976). Jeffrey Pfeffer & Gerald R. Salancik, The External Control of Organizations (1978), argue that directors strategically link the firm with vital external resources and information.

[54] The nature and impact of the potential challenges in a board's ability to provide direction, monitoring and accountability are different in the setting of SRO governance than in a corporate board. In a corporate setting, economic theory typically focuses on the influence of self-interested behaviors of certain board members in the organization's pursuit of its goals, whereas the focus of theory for SRO boards is typically the influence of the regulated industry in the SRO's pursuit of its mission. Different SRO models address this influence differently, including through structures, policies and procedures. *See, e.g.,* John W. Carson, Self-Regulation in Securities Markets, 2011, World Bank Policy Research Paper No. 5542, and George Stigler, The Theory of Economic Regulation, 2(1) Bell Journal of Economics and Management Science 3 (1971).

[55] Economic theory suggests trade-offs can exist when determining corporate board composition, including between the informational advantages of individuals with specific expertise and knowledge and the costs associated with managing the influence of such individuals. *See* Milton Harris &

Continued

Industry Governors' interests and incentives along with substantial participation by Public Governors can contribute to ensuring balance in governance and fulfillment of FINRA's statutory obligations. These same characteristics of the board also support the public's confidence in its stewardship of the public interest.

The relevance of the extent and type of expertise accessible to the Board and Board committees will vary depending on the context. For example, when considering if or how to respond to new industry products or business practices, detailed technical Board knowledge informed by different experiences may be of particular importance. In other contexts, there may be a stronger emphasis on the Board's needs in broader areas that extend outside the industry, such as corporate governance, technology management or public policy.

Economic Impacts

The proposed rule change would alter the composition of the Board and its committees in several respects, as outlined above. Specifically, these changes may improve FINRA's ability to fulfill its mission by modernizing the organization's governance and strengthening the self-regulatory model. This would include increasing access to industry expertise and providing greater flexibility to manage the Board's operations. In particular, the proposed rule change may broaden the range of business models represented on the Board, including those of small firms, and enhance the Board's ability to draw on expertise relevant to evolving market and industry conditions. Greater access to member knowledge, experience and insight may, in turn, support more informed and responsive decision-making.[56] For the wide range of issues coming before the Board of Governors that are informed by the technical considerations of financial services, the option for broader industry input—over potentially a wider range of perspectives—may lead to better designed regulatory outcomes, enhancing investor protections and market integrity. At the same time, where technical considerations may be of lesser importance, the proposed rule change preserves substantial Public Governor representation that should continue to enable the Board to meet its obligations critical for governance. Greater potential diversity of representation across Industry Governors, combined with the continued substantial Public Governor representation, should serve to mitigate risk that any one set of interests or incentives could predominate in governance. Moreover, Public Governors would continue to have the Chair and a majority on the Audit Committee, providing another important mitigant.

The above discussion about changes in the Board composition also broadly applies to Board committees. While the Board retains oversight of the Board committees' decisions, to the extent that there are resulting shifts in the composition of Board committees, the same considerations related to achieving a mix of industry and public representation apply to Board committees as well.

The existing structural safeguards detailed above would provide additional assurance that FINRA will continue to perform its statutory obligations. Among other things, the composition and responsibilities of offices within FINRA, such as OHO and ODA, that have a high degree of defined independence, would not change. Also, external governance such as comprehensive SEC oversight and the GAO's evaluation of that oversight may complement internal governance.

In addition to the amendments altering the composition of the Board and its committees, the proposed rule change would alter Board structure and continuity. A smaller Board may facilitate coordination and decision-making but may include fewer voices with differing experience and knowledge to address complex issues.[57] Under the proposed rule change, however, the Board would continue to have a broad range of pertinent expertise and experience. In particular, the conversion of three Industry Governor seats currently reserved for specific segments to at-large seats, as well as the broad expertise residing with Public Governors, may provide the Board greater ability to draw on expertise based on the needs of the organization.

Finally, the number of consecutive three-year terms a Governor may serve would increase from two to three. The additional term may preserve institutional knowledge and Board experience by allowing Governors whose continued service would benefit the Board to serve for another three years.[58]

Alternatives Considered

No alternatives were considered for purposes of this statement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2026–024 on the subject line.

Artur Raviv, A Theory of Board Control and Size, 21(4) Review of Financial Studies 1797 (2008). Although the theory focuses on corporate boards of directors, similar considerations regarding expertise and its value to oversight bear on FINRA's governance structure.

[56] *See, e.g.,* Nishant Dass et al., Board Expertise: Do Directors from Related Industries Help Bridge the Information Gap?, 27(5) Review of Financial Studies 1533 (2014).

[57] Economic theory provides a frame to consider board size for effective decision-making. Earlier empirical research suggests a negative relationship between board size and firm performance, suggesting small boards may lead to better outcomes for shareholders. More recent studies, however, indicate that optimal board size may vary on a firm's advising needs. *See,* Jeffrey L. Coles, Naveen D. Daniel, & Lalitha Naveen, Boards: Does One Size Fit All?, 87(2) Journal of Financial Economics 329 (2008).

[58] Empirical research suggests a concave relationship between board tenure and measures of accounting performance. *See,* Sterling Huang & Gilles Hilary, Zombie Board: Board Tenure and Firm Performance, 56(4) Journal of Accounting Research 1285 (2018). Using the average tenure of outside directors, the authors find that the benefits of board tenure peak at approximately 10 years. The results may not be directly applicable to FINRA, however, because the authors study public companies, which generally do not impose specific director term limits.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2026–024. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–FINRA–2026–024 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23185 Filed 11–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106854; File No. SR–CboeBYX–2026–041]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Description of Cboe Aggregated Market Feed (Cboe One) in Rule 11.22

November 9, 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 November 3, 2026, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''SEC'' or ''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 BYX Exchange, Inc. (''BYX'' or the ''Exchange'') proposes to amend Rule 11.22(i)[3] to describe the Cboe Aggregated Market (''Cboe One'') Feed by reference to the specific data feeds from which its content is obtained, namely the Multicast Depth feed of the Exchange described in Rule 11.22(c) and the Multicast Depth feeds of its affiliated exchanges and information disseminated by the securities information processors (''SIPs''), and to state that the Cboe One Feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides, consistent with the manner in which other exchanges describe comparable aggregated market data products. 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/byx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22(i), which currently lists the specific data elements and message types in the Cboe One Feed, to instead identify the sources of the Cboe One Feed: (1) the Multicast Depth feed of the Exchange described in Rule 11.22(c) and the Multicast Depth feeds of BZX, EDGA, and EDGX (collectively, the ''Multicast Depth Feeds''); and (2) the SIPs. The proposed rule text also states that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, EDGA, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. This approach is consistent with the manner in which other exchange groups describe comparable aggregated market data products by identifying their sources rather than specifying message formats or field-level content, as discussed below.

By way of background, the Cboe One Feed is currently offered in two versions, Cboe One Summary and Cboe One Premium, each of which contains information obtained from the Multicast Depth Feeds and from the SIPs.[4] The versions differ only in the quotation information each provides. Cboe One Summary provides the aggregate best bid and offer of all displayed orders, and Cboe One Premium provides aggregated two-sided quotations at multiple price levels, currently up to twelve per side per exchange.[5] Execution information, administrative messages, and consolidated market information are the same in both versions. The current Cboe One Feed includes the following information from the Multicast Depth Feeds: individual last sale information for the Exchange and each of its affiliated exchanges, as well as Symbol Summary, Market Status, Retail Liquidity Identifier, Trading Status, and Trade Break messages. It also includes the following information from the SIPs: consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price for all listed equity securities. The Cboe One Feed also disseminates the following information obtained from the Multicast Depth Feeds: the Cboe One Opening Price and Cboe One Closing Price. For securities listed on BZX, the Cboe One Opening Price is the

[59] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 11.22(i).

[4] The Exchange's affiliated equities exchanges are BZX, EDGA, and EDGX. *See* Securities Exchange Act Release No. 73918 (December 23, 2014), 79 FR 78920 (December 31, 2014) (File Nos. SR–EDGX–2014–25; SR–EDGA–2014–25; SR–BATS–2014–055; SR–BYX–2014–030) (Notice of Amendments No. 2 and Order Granting Accelerated Approval to Proposed Rule Changes, as Modified by Amendments Nos. 1 and 2, to Establish a New Market Data Product called the Cboe (formerly Bats) One Feed) (''Cboe One Approval Order'').

[5] *See* Securities Exchange Act Release No. 105192 (April 9, 2026), 91 FR 19238 (April 14, 2026) (SR–CboeBYX–2026–011) (providing twelve price levels per side for the Cboe One Premium data feed).

BZX Official Opening Price as defined in BZX Rule 11.23(a)(5), and the Cboe One Closing Price is the BZX Official Closing Price as defined in BZX Rule 11.23(a)(3). For securities not listed on BZX, the Cboe One Opening Price is the first last sale eligible trade that occurs on the Exchange or any of its affiliated exchanges after 9:30 a.m. Eastern Time, and the Cboe One Closing Price is the final last sale eligible trade to occur on the Exchange or any of its affiliated exchanges prior to 4:00 p.m. Eastern Time. The five price level version of Cboe One Premium is scheduled to be sunset no later than December 31, 2026, and the Exchange announced via Exchange Notice that it will be sunset effective November 2, 2026.[6] As of that date, Cboe One Premium will be offered only with up to twelve aggregated price levels per side per exchange, which have been available since May 4, 2026.

The Exchange has historically amended Rule 11.22(i) by name each time it added a data element to the Cboe One Feed, even where the new data element fell within a type of information the feed already carried. For example, the Exchange filed a proposed rule change to add the primary listing market's official opening and closing price, obtained directly from the SIPs and disseminated after the applicable SIP delay period,[7] and later filed a separate proposed rule change to add the current day consolidated high and low price, also obtained directly from the SIPs.[8] Each of these filings added a discrete data element obtained from information disseminated by the SIPs, a source already reflected in the feed. The Exchange now proposes to describe the Cboe One Feed by its sources so that the addition of a data element, or a change to an existing data element, obtained from a source identified in Rule 11.22(i) will not require a separate proposed rule change.

As proposed, Rule 11.22(i) would provide that the Cboe One Feed contains information obtained from two sources: the Multicast Depth Feeds and the SIPs. It would further provide that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, EDGA, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. The proposed rule text would not specify the number of price levels in Cboe One Premium, itemize categories of information, or define ''consolidated market information.'' Those details describe the current content of the feed, as discussed below. The amended rule would define the Cboe One Feed by the sources from which its content is obtained and by the quotation information each version provides, rather than by a list of individual data elements, message names, prices, or price levels. A recipient would continue to subscribe to either Cboe One Summary or Cboe One Premium.

The proposed rule text deletes from Rule 11.22(i): (i) the itemized list of data elements, including the references to consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price; (ii) the names of individual messages, including the Retail Liquidity Identifier; (iii) the references to five and twelve price levels and the sunset of the five level feed of Cboe One Premium; and (iv) the Cboe One Opening Price and Cboe One Closing Price methodology. In their place, the proposed rule text identifies the Multicast Depth Feeds and the SIPs as the sources of the Cboe One Feed and states that the feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides. The proposed rule change does not change the content of the Cboe One Feed. Each of the deleted items continues to be disseminated through the Cboe One Feed, is described above as part of the current content of the feed, and falls within one of the categories of information described below: quotation information, execution information, administrative messages, and consolidated market information.

Quotation information. Quotation information is obtained from the Multicast Depth Feeds. Cboe One Summary and Cboe One Premium differ only in the quotation information each includes: Cboe One Summary provides the aggregate best bid and offer on the Exchange, BZX, EDGA, and EDGX, and Cboe One Premium provides up to twelve aggregated price levels per side per exchange. The five price level version of Cboe One Premium will be sunset effective November 2, 2026, as previously announced.[9] The number of price levels is an operational parameter of an existing data element rather than a distinct category of information, and any change will be announced in advance via Exchange Notice and reflected in the technical specifications.[10] Quotation information also includes the Retail Liquidity Identifier of each of the Exchange and EDGX, disseminated pursuant to Rule 11.24(e) and EDGX Rule 11.21(e), respectively, and obtained from that exchange's Multicast Depth feed.[11] The EDGX Retail Liquidity Identifier is currently disseminated through the Cboe One Feed, but Rule 11.22(i) does not specifically reflect it. The proposed rule text encompasses both identifiers without naming them, and any new or modified retail liquidity program would be subject to a separate proposed rule change by the applicable exchange.

Execution information. Execution information is limited to executions on the Exchange and its affiliated exchanges, including last sale, trade break, and symbol summary information and the Cboe One Opening Price and Cboe One Closing Price, and is obtained from the Multicast Depth Feeds. The proposed rule change does not change the methodology for the Cboe One Opening Price and Cboe One Closing Price, which, with the details of each other data element, is set forth in the technical specifications.[12]

Administrative messages. Administrative messages are status messages related to the other information in the feed, obtained from

[6] *See* Cboe Exchange Notice, ''Reminder—Cboe One Equities Sunsets Premium Five Level Feed'' (Reference ID C2026100100), available at Reminder—Cboe One Equities Sunsets Premium Five Level Feed (announcing that the five price level feed of Cboe One Premium will be sunset effective November 2, 2026, and that Cboe One Premium was enhanced to up to twelve price levels per side per exchange as of May 4, 2026).

[7] *See* Securities Exchange Act Release No. 89125 (June 23, 2020), 85 FR 38956 (June 29, 2020) (SR–CboeBYX–2020–018) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 11.22(i) to Identify the Primary Listing Market's Official Opening and Closing Price).

[8] *See* Securities Exchange Act Release No. 92301 (June 30, 2021), 86 FR 35845 (July 7, 2021) (SR–CboeBYX–2021–014) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 11.22(i) To Identify the Current Day Consolidated High and Low Prices).

[9] *See supra* note 8.

[10] The Exchange notes that the number of price levels is publicly disclosed in the technical specifications and any change is announced in advance via Exchange Notice, so market participants will have advance notice of, and transparency into, the number of price levels available in Cboe One Premium.

[11] *See* Exchange Rule 11.22(i) (providing for the Retail Liquidity Identifier); Exchange Rule 11.24(e) (Retail Liquidity Identifier); EDGX Rule 11.21(e) (Retail Liquidity Identifier).

[12] *See* Cboe Titanium Cboe One Equities Feed Specification, Version 1.4.16 (October 2, 2026), available at Cboe Titanium Cboe One Equities Feed Specification (describing, among other things, the Opening/Closing Price, Fractional Trade, Fractional Trade Break, Fractional Symbol Summary, and Fractional End of Day Summary messages, including the criteria for last sale eligibility and the timing of the Cboe One Opening Price and Cboe One Closing Price).

the Multicast Depth Feeds or, for status indicators associated with consolidated market information, from the SIPs.

Consolidated market information. Consolidated market information is information obtained from the SIPs, together with associated SIP indicators, such as consolidated volume and consolidated price information, and is disseminated consistent with any delay period applicable under the national market system plan(s) governing consolidated equity market data.[13]

The Exchange will file a proposed rule change with the Commission before disseminating through the Cboe One Feed any information not obtained from the Multicast Depth Feeds or the SIPs, whether exchange data or otherwise.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] 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) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 11A of the Act [17] in that it supports (1) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (2) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[18] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and not unreasonably discriminatory.

Describing the Cboe One Feed by source promotes transparency and removes impediments to a free and open market because Rule 11.22(i) will accurately identify the sources of the feed: the Multicast Depth Feeds, each of which is itself described in the rules of the applicable exchange, and the SIPs. The Exchange's Multicast Depth feed is described in BYX Rule 11.22(c). The details of each data element, including the number of price levels in Cboe One Premium and the methodology for the Cboe One Opening Price and the Cboe One Closing Price, are set forth in the publicly available Cboe One Feed technical specifications, so that market participants can readily determine the content and methodology of each data element disseminated through the feed.[19] The approach is also consistent with the manner in which other exchange groups describe comparable products. NYSE has described NYSE BQT as consisting of data elements from the existing BBO and Trades feeds of NYSE and its affiliated exchanges, together with consolidated information obtained directly from the SIPs, and as representing ''aggregated and consolidated information'' of those underlying feeds.[20] Nasdaq has similarly described Nasdaq Last Sale Plus as, in essence, a product that consolidates information from multiple Nasdaq exchanges and the SIPs.[21] Most recently, Nasdaq proposed Nasdaq Basic Plus and Nasdaq TotalView Plus, which offer consolidated top of book and depth of book information from Nasdaq and its affiliated exchanges, and which Nasdaq identified as comparable to Cboe One Summary and Cboe One Premium, respectively.[22]

In addition, because the Cboe One Feed is a single product offered jointly by the Exchange and its affiliated exchanges, the Exchange believes that harmonizing the description of the Cboe One Feed across the rules of the Exchange, BZX, EDGA, and EDGX, through substantively identical proposed rule changes filed concurrently by each exchange, promotes transparency and consistency and removes impediments to a free and open market by ensuring that market participants and the public can look to the rules of any of the four exchanges and find the same description of the same product.

Finally, the Exchange notes that the Cboe One Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data product available. Thus, users of the data product may discontinue use of the product at any time and for any reason.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition because the Cboe One Feed will be available to all recipients on the same terms, and the proposal does not amend any fees. The restatement of Rule 11.22(i) by source does not itself change the content of the feed or of either version, and the removal of the specific number of price levels from the rule text does not change the current content of Cboe One Premium, which will continue to be described in the technical specifications and changed only upon advance Exchange Notice. The proposed rule change will not impose any burden on intermarket competition because the Exchange is not the exclusive distributor of the aggregated and consolidated information that comprises the Cboe One Feed. This includes any SIP-based information, which is limited to information that any subscriber to the SIP data feeds could obtain from the SIPs. The Cboe One Feed is an optional product that competes with similar

[13] The SIPs disseminate consolidated last sale information for NMS stocks pursuant to the national market system plan(s) governing the dissemination of consolidated equity market data, currently the CTA Plan and the UTP Plan, which are expected to be replaced by the CT Plan.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] 15 U.S.C. 78k–1.

[18] 17 CFR 242.603(a).

[19] *See supra* note 14.

[20] *See* Securities Exchange Act Release No. 99591 (February 23, 2024), 89 FR 14915 (February 29, 2024) (SR–NYSE–2024–08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Content of the NYSE Best Quote & Trades Data Feed); Securities Exchange Act Release No. 93000 (September 15, 2021), 86 FR 52505 (September 21, 2021) (SR–NYSE–2021–51); Securities Exchange Act Release No. 87554 (November 15, 2019), 84 FR 64386 (November 21, 2019) (SR–NYSE–2019–61).

[21] *See* Securities Exchange Act Release No. 91241 (March 2, 2021), 86 FR 13427 (March 8, 2021) (SR–NASDAQ–2021–010).

[22] *See* Securities Exchange Act Release No. 105997 (July 28, 2026), 91 FR 48466 (July 31, 2026) (SR–NASDAQ–2026–061) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Introduce Nasdaq TotalView Plus and Nasdaq Basic Plus Data Feeds).

products offered by other exchanges and with the SIPs, and market participants are not required to subscribe to it.[23]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [24] and Rule 19b–4(f)(6) thereunder.[25] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because the proposed rule change restates the description of the Cboe One Feed in Rule 11.22(j) by source and does not change the content of either version of the Cboe One Feed, or any fee applicable to the Cboe One Feed. Furthermore, the proposed rule change does not raise any new or novel issues, as it is consistent with the manner in which other exchanges describe comparable aggregated market data products, as discussed above. For these reasons, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[30]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBYX–2026–041 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2026–041. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–CboeBYX–2026–041 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23099 Filed 11–12–26; 8:45 am]

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[23] *See supr*a notes 22 through 24.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] 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).

[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106866; File No. SR–TXSE–2026–045]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Policy Relating to the Exchange's Treatment of Trade Reports

November 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 November 9, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a policy relating to the Exchange's treatment of trade reports that it determines to be inconsistent with the prevailing market. The proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://www.txse.com/regulations/rules-filings*), and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Trades in listed securities occasionally occur at prices that deviate from prevailing market prices, and those trades sometimes establish a high, low or last sale price for a security that does not reflect its true market. The Consolidated Tape Association (''CTA'') Plan and the Nasdaq UTP Plan (''UTP Plan'') each offer participants in such plans with the discretion to append an Aberrant Report Indicator to a trade report to indicate that the market believes that the trade price of a particular trade executed on the participant's market does not accurately reflect the prevailing market for the security in question.[3] Several national securities exchanges, including The New York Stock Exchange (''NYSE'') [4] and Nasdaq Stock Market (''Nasdaq''),[5] and more recently, Investors Exchange LLC (''IEX'') [6] and NYSE Texas, Inc. (''NYSE Texas''),[7] have adopted policies related to use of the Aberrant Report Indicator for equities trades that, while not eligible for cancellation pursuant to applicable exchange rules governing clearly erroneous executions, are determined not to accurately reflect the prevailing market for the security in question. The Exchange believes that such policies are appropriate to identify such trades to vendors and market participants so that they may exclude such trades from relevant pricing metrics (*e.g.,* high, low and last sale prices). Accordingly, TXSE is proposing to adopt a policy substantially similar to the existing policies of such other national securities exchanges as described below.[8]

During the course of surveillance by the Exchange or as a result of notification by another market, listed company,[9] or market participant, the Exchange may become aware of trade prices that do not accurately reflect the prevailing market for a particular security. In such a case, the Exchange will contact the listing exchange (if the Exchange is not the listing exchange) and other markets (in the case of executions that take place across multiple markets) to seek consensus as to whether the trade price is consistent with the prevailing market for the security. If the Exchange determines that the trade price is inconsistent with the prevailing market for the security after considering the factors discussed below, the Exchange will append an Aberrant Report Indicator to the trade pursuant to applicable CTA and UTP procedures. Appending an Aberrant Report Indicator to the trade will have no effect on the validity of the underlying trade.

The proposed policy would be applicable to trades that occur on TXSE, whether traded on an unlisted trading privilege (''UTP'') basis or listed on TXSE.

In making the determination to append the Aberrant Report Indicator to a particular trade, the Exchange shall consider all factors related to a trade, including, but not limited to, the following:

- Material news released for the security;
- Suspicious trading activity;
- System malfunctions or disruptions;
- Locked or crossed markets;
- A recent trading halt or resumption of trading in the security;
- Whether the security is in its initial public offering;
- Volume and volatility for the security;
- Whether the trade represents a 52-week high or low for the security;
- Whether the trade price deviates significantly from recent trading patterns in the security;
- Whether the trade price reflects a stock-split, reorganization or other corporate action;
- The validity of consolidated tape trades and quotes in comparison to national best bids and offers; and
- The general volatility of market conditions.

In determining whether trade prices are inconsistent with the prevailing market, the Exchange proposes that its policy shall be to follow the following general guidelines: The Exchange will review whether a trade price does not reflect the prevailing market for a security if the trade occurs during regular trading hours (*i.e.,* 9:30 a.m. to 4 p.m.) and occurs at a price that deviates from the ''Reference Price'' by an amount that meets or exceeds the following thresholds:

Trade price	Numerical threshold (percent)
Between $0 and $15.00	7
Between $15.01 and $50.00	5
In excess of $50.00	3

The ''Reference Price'' refers to (a) if the primary market for the security is open at the time of the trade, the national best bid or offer for the security, or (b) if the primary market for the security is not open at the time of the trade, the first executable quote or print for the security on the primary market after execution of the trade in question. However, if the circumstances suggest that a different Reference Price would be more appropriate, the Exchange will use the different Reference Price. For instance, if the national best bid and offer for the security are so wide apart as to fail to reflect the market for the security, the Exchange might use as the Reference Price a trade price or best bid or offer that was available prior to the trade in question.

If TXSE determines that a trade price does not reflect the prevailing market for a security and the trade represented the last sale of the security on the Exchange during a trading session, the Exchange may also determine to remove that trade's designation as the last sale and the preceding last sale eligible trade would become the new last sale. TXSE may do so either on the day of the trade or at a later date, so as to provide reasonable time for the Exchange to conduct due diligence regarding the trade, including the consideration of

[3] The CTA recommends that data recipients should exclude the price of any trade to which the Aberrant Report Indicator has been appended from any calculation of the high, low and last sale prices for the security.

[4] *See* Securities Exchange Act Release No. 58736 (October 6, 2008), 73 FR 60380 (October 10, 2008) (SR–NYSE–2008–91).

[5] *See* Securities Exchange Act Release No. 59151 (December 23, 2008), 74 FR 158 (January 2, 2009) (SR–NASDAQ–2008–100).

[6] *See* Securities Exchange Act Release No. 81278 (August 1, 2017), 82 FR 36837 (August 7, 2017) (SR–IEX–2017–24).

[7] *See* Securities Exchange Act Release No. 105815 (June 30, 2026), 91 FR 41121 (July 6, 2026) (SR–NYSETEX–2026–27).

[8] *Supra,* notes 4–7.

[9] On September 30, 2025, the Commission granted TXSE's application for registration as a national securities exchange under Section 6 of the Act including approval of the rules applicable to the qualification, listing, and delisting of companies on the Exchange. *See* Securities Exchange Act Release No. 104146 (September 30, 2026), 90 FR 47880 (October 2, 2025) (File No. 10–249). The Exchange began listing companies on the Exchange in September 2026.

input from markets and other market participants.

In connection with the proposed policy, TXSE shall discourage vendors and other data recipients from using prices to which the Exchange has appended the Aberrant Report Indicator in any calculation of the high, low or last sale price of a security; and will urge vendors to disclose the exclusion from high, low or last sale price data of any trades with an Aberrant Report Indicator and exclude them from high, low or last sale price information they disseminate and to provide to data users an explanation of the parameters used in the Exchange's aberrant trade policy.[10]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, and as described in rule change proposals of NYSE, Nasdaq, IEX, and NYSE Texas to adopt a policy on the use of the Aberrant Report Indicator, the Exchange believes that the Aberrant Report Indicator is consistent with the protection of investors and the public interest in that the Exchange will seek to ensure a proper understanding of the Aberrant Report Indicator among securities market participants by: (i) urging vendors to disclose the exclusion from high, low or last sale price data of any aberrant trades excluded from high, low or last sale price information they disseminate and to provide to data users an explanation of the parameters used in the Exchange's aberrant trade policy; (ii) informing the affected listed company each time the Exchange or another market appends the Aberrant Report Indicator to an Exchange-listed stock; and (iii) reminding the users of the information that these are still valid trades in that they were executed and not unwound as in the case of a clearly erroneous trade.

Additionally, the Exchange believes that the proposed rule change is a reasonable means to alert investors and others that the Exchange believes that the trade price for a particular trade executed in its market does not accurately reflect the prevailing market for the security. Further, the Exchange will use the same factors, including objective numerical thresholds in determining whether a trade report is eligible to have an Aberrant Report Indicator appended to it. As discussed above, other national securities exchanges have adopted a substantially similar policy. Accordingly, the proposed rule change does not raise any new or novel issues that have not already been considered by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

TXSE does not believe that the proposed rule change will result in any burden on competition. The proposed rule change is designed to enable the Exchange to apply the Aberrant Report Indicator in a manner consistent with its existing use by other national securities exchanges, thereby increasing transparency regarding trades executed at prices that do not reflect the prevailing market, and not to address any competitive issues. The Exchange will utilize the indicator in a consistent manner with respect to all Exchange members and listed companies. The Exchange thus does not believe the proposal will burden competition because it will provide for consistency between the Exchange's policy related to use of the Aberrant Report Indicator and those of other national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[16] to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–TXSE–2026–045 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–TXSE–2026–045. 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

[10] The Exchange will advise each listed company of the aberrant trade policy, including that any trade for which the Aberrant Report Indicator is applied will remain a valid trade.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 15 U.S.C. 78s(b)(2)(B).

redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–TXSE–2026–045 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23183 Filed 11–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106871; File No. SR–IEX–2026–46]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Timeframe of a Recent Rule Filing

November 10, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on November 4, 2026, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposal to extend the implementation timeframe of a recent rule filing to provide that certain pegged order types and the Discretionary Limit (''D-Limit'') order type will be eligible for trading during the Exchange's Pre-Market Session and Post-Market Session. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[6]

The text of the proposed rule change is available at the Exchange's website at *https://www.iex.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

IEX is filing this proposal to extend the implementation timeframe of the rule changes proposed in SR–IEX–2026–19 to provide that certain pegged order types and the D-Limit order type will be eligible for trading during the Exchange's Pre-Market Session and Post-Market Session.[7] Pursuant to the Original Rule Filing, the Exchange will announce the implementation date of the proposed rule change by Trading Alert at least ten days in advance of such implementation date and within 90 days of effectiveness of the proposed rule change.[8] The Original Rule Filing was immediately effective on the date of filing, July 10, 2026, which meant the Trading Alert would issue no later than 90 days later, *i.e.,* on October 8, 2026. On September 2, 2026, the Exchange filed to extend the implementation timeframe of the rule changes to December 7, 2026.[9]

In order to complete all steps in IEX's standard deployment schedule, IEX has determined that it requires more time than provided for by the Original Rule Filing and Initial Extension to determine the implementation date and issue a Trading Alert announcing such date. Thus, IEX now proposes extending the December 7, 2026 Trading Alert deadline to the end of the first quarter of 2027.

As proposed, on or before the end of the first quarter of 2027, IEX will still announce the implementation date by Trading Alert at least ten days in advance of such implementation date. Besides this change, the Exchange is not proposing to make any changes to the terms of the Original Rule Filing.

2. Statutory Basis

IEX believes that its proposal is consistent with the provisions of Section 6(b) of the Act[10] in general, and with Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, the proposal is consistent with the Act because it is designed to protect investors and the public interest because it will enable the Exchange to determine the implementation date of the Original Rule Filing following completion of all steps in its standard deployment schedule in a thorough and risk averse manner, before issuance of a Trading Alert announcing such date.

Further, the ten days' notice to market participants of the implementation date for the Original Rule Filing's proposed rule change is consistent with the Act because it will provide appropriate transparency to market participants and the Commission regarding the change. Finally, as noted in the Purpose section, the Exchange is not proposing to make any changes to the terms of the Original Rule Filing other than the implementation timeframe.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As explained above, the purpose of this proposal is to modify the timing of the issuance of the Trading Alert announcing the planned implementation of the Original Rule Filing with appropriate notice to inform market participants and the Commission of the change. The implementation delay will impact all market participants equally. The Exchange does not expect the implementation date change to place any burden on competition. Rather, postponing

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] *See* Securities Exchange Act Rel. No. 105959 (July 21, 2026), 91 FR 46805 (July 24, 2026) (SR–IEX–2026–19) (''Original Rule Filing'').

[8] *See id.*

[9] *See* Securities Exchange Act Rel. No. 106324 (September 10, 2026), 91 FR 58481 (September 15, 2026) (SR–IEX–2026–30) (''Initial Extension'').

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

implementation will allow the Exchange to implement the original rule change in a thorough and risk averse manner and is not designed for any competitive purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [12] of the Act and Rule 19b–4(f)(6) [13] thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) [14] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that waiver of the operative delay would permit the Exchange to implement this proposal on or prior to December 7, 2026, the date by which the Original Rule Filing, as extended by the Initial Extension, requires the Exchange to issue a Trading Alert, thereby avoiding any potential confusion on the part of market participants or the Commission as to when the original proposed rule change will be implemented. For this reason, and because the proposed rule change raises no new or novel legal or regulatory issues, the Commission finds that the 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.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–IEX–2026–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2026–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2026–46 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

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[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6). 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] 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).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106857; File No. SR–CboeEDGA–2026–037]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Description of Cboe Aggregated Market Feed (Cboe One) in Rule 13.8

November 9, 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 November 3, 2026, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''SEC'' or ''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 EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') proposes to amend Rule 13.8(b) [3] to describe the Cboe Aggregated Market (''Cboe One'') Feed by reference to the specific data feeds from which its content is obtained, namely the Multicast Depth feed of the Exchange described in Rule 13.8(a) and the Multicast Depth feeds of its affiliated exchanges and information disseminated by the securities information processors (''SIPs''), and to state that the Cboe One Feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides, consistent with the manner in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 13.8(b).

which other exchanges describe comparable aggregated market data products. 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/edga/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13.8(b), which currently lists the specific data elements and message types in the Cboe One Feed, to instead identify the sources of the Cboe One Feed: (1) the Multicast Depth feed of the Exchange described in Rule 13.8(a) and the Multicast Depth feeds of BZX, BYX, and EDGX (collectively, the ''Multicast Depth Feeds''); and (2) the SIPs. The proposed rule text also states that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, BYX, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. This approach is consistent with the manner in which other exchange groups describe comparable aggregated market data products by identifying their sources rather than specifying message formats or field-level content, as discussed below.

By way of background, the Cboe One Feed is currently offered in two versions, Cboe One Summary and Cboe One Premium, each of which contains information obtained from the Multicast Depth Feeds and from the SIPs.[4] The versions differ only in the quotation information each provides. Cboe One Summary provides the aggregate best bid and offer of all displayed orders, and Cboe One Premium provides aggregated two-sided quotations at multiple price levels, currently up to twelve per side per exchange.[5] Execution information, administrative messages, and consolidated market information are the same in both versions. The current Cboe One Feed includes the following information from the Multicast Depth Feeds: individual last sale information for the Exchange and each of its affiliated exchanges, as well as Symbol Summary, Market Status, Retail Liquidity Identifier, Trading Status, and Trade Break messages. It also includes the following information from the SIPs: consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price for all listed equity securities. The Cboe One Feed also disseminates the following information obtained from the Multicast Depth Feeds: the Cboe One Opening Price and Cboe One Closing Price. For securities listed on BZX, the Cboe One Opening Price is the BZX Official Opening Price as defined in BZX Rule 11.23(a)(5), and the Cboe One Closing Price is the BZX Official Closing Price as defined in BZX Rule 11.23(a)(3). For securities not listed on BZX, the Cboe One Opening Price is the first last sale eligible trade that occurs on the Exchange or any of its affiliated exchanges after 9:30 a.m. Eastern Time, and the Cboe One Closing Price is the final last sale eligible trade to occur on the Exchange or any of its affiliated exchanges prior to 4:00 p.m. Eastern Time. The five price level version of Cboe One Premium is scheduled to be sunset no later than December 31, 2026, and the Exchange announced via Exchange Notice that it will be sunset effective November 2, 2026.[6] As of that date, Cboe One Premium will be offered only with up to twelve aggregated price levels per side per exchange, which have been available since May 4, 2026.

The Exchange has historically amended Rule 13.8(b) by name each time it added a data element to the Cboe One Feed, even where the new data element fell within a type of information the feed already carried. For example, the Exchange filed a proposed rule change to add the primary listing market's official opening and closing price, obtained directly from the SIPs and disseminated after the applicable SIP delay period,[7] and later filed a separate proposed rule change to add the current day consolidated high and low price, also obtained directly from the SIPs.[8] Each of these filings added a discrete data element obtained from information disseminated by the SIPs, a source already reflected in the feed. The Exchange now proposes to describe the Cboe One Feed by its sources so that the addition of a data element, or a change to an existing data element, obtained from a source identified in Rule 13.8(b) will not require a separate proposed rule change.

As proposed, Rule 13.8(b) would provide that the Cboe One Feed contains information obtained from two sources: the Multicast Depth Feeds and the SIPs. It would further provide that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, BYX, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. The proposed rule text would not specify the number of price levels in Cboe One Premium, itemize categories of information, or define ''consolidated market information.'' Those details describe the current content of the feed, as discussed below. The amended rule would define

[4] The Exchange's affiliated equities exchanges are BZX, BYX, and EDGX. *See* Securities Exchange Act Release No. 73918 (December 23, 2014), 79 FR 78920 (December 31, 2014) (File Nos. SR–EDGX–2014–25; SR–EDGA–2014–25; SR–BATS–2014–055; SR–BYX–2014–030) (Notice of Amendments No. 2 and Order Granting Accelerated Approval to Proposed Rule Changes, as Modified by Amendments Nos. 1 and 2, to Establish a New Market Data Product called the Cboe (formerly Bats) One Feed) (''Cboe One Approval Order'').

[5] *See* Securities Exchange Act Release No. 105191 (April 9, 2026), 91 FR 19235 (April 14, 2026) (SR–CboeEDGA–2026–009) (providing twelve price levels per side for the Cboe One Premium data feed).

[6] *See* Cboe Exchange Notice, ''Reminder—Cboe One Equities Sunsets Premium Five Level Feed'' (Reference ID C2026100100), available at Reminder—Cboe One Equities Sunsets Premium Five Level Feed (announcing that the five price level feed of Cboe One Premium will be sunset effective November 2, 2026, and that Cboe One Premium was enhanced to up to twelve price levels per side per exchange as of May 4, 2026).

[7] *See* Securities Exchange Act Release No. 89082 (June 10, 2020), 85 FR 37699 (June 23, 2020) (SR–CboeEDGA–2020–017) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 13.8(b) to Identify the Primary Listing Market's Official Opening and Closing Price).

[8] *See* Securities Exchange Act Release No. 92296 (June 30, 2021), 86 FR 35852 (July 7, 2021) (SR–CboeEDGA–2021–016) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 13.8(b) To Identify the Current Day Consolidated High and Low Prices).

the Cboe One Feed by the sources from which its content is obtained and by the quotation information each version provides, rather than by a list of individual data elements, message names, prices, or price levels. A recipient would continue to subscribe to either Cboe One Summary or Cboe One Premium.

The proposed rule text deletes from Rule 13.8(b): (i) the itemized list of data elements, including the references to consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price; (ii) the names of individual messages, including the parenthetical attributing the Retail Liquidity Identifier to BYX; (iii) the Depth of Book subparagraph, including the references to five and twelve price levels and the sunset of the five level feed of Cboe One Premium; and (iv) the Cboe One Opening Price and Cboe One Closing Price methodology. In their place, the proposed rule text identifies the Multicast Depth Feeds and the SIPs as the sources of the Cboe One Feed and states that the feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides. The proposed rule change does not change the content of the Cboe One Feed. Each of the deleted items continues to be disseminated through the Cboe One Feed, is described above as part of the current content of the feed, and falls within one of the categories of information described below: quotation information, execution information, administrative messages, and consolidated market information.

Quotation information. Quotation information is obtained from the Multicast Depth Feeds. Cboe One Summary and Cboe One Premium differ only in the quotation information each includes: Cboe One Summary provides the aggregate best bid and offer on the Exchange, BZX, BYX, and EDGX, and Cboe One Premium provides up to twelve aggregated price levels per side per exchange. The five price level version of Cboe One Premium will be sunset effective November 2, 2026, as previously announced.[9] The number of price levels is an operational parameter of an existing data element rather than a distinct category of information, and any change will be announced in advance via Exchange Notice and reflected in the technical specifications.[10] Quotation information also includes the Retail Liquidity Identifier of each of BYX and EDGX, disseminated pursuant to BYX Rule 11.24(e) and EDGX Rule 11.21(e), respectively, and obtained from that exchange's Multicast Depth feed.[11] The EDGX Retail Liquidity Identifier is currently disseminated through the Cboe One Feed, but Rule 13.8(b) was inadvertently not updated to reflect it. The proposed rule text encompasses both identifiers without naming them, and any new or modified retail liquidity program would be subject to a separate proposed rule change by the applicable exchange.

Execution information. Execution information is limited to executions on the Exchange and its affiliated exchanges, including last sale, trade break, and symbol summary information and the Cboe One Opening Price and Cboe One Closing Price, and is obtained from the Multicast Depth Feeds. The proposed rule change does not change the methodology for the Cboe One Opening Price and Cboe One Closing Price, which, with the details of each other data element, is set forth in the technical specifications.[12]

Administrative messages. Administrative messages are status messages related to the other information in the feed, obtained from the Multicast Depth Feeds or, for status indicators associated with consolidated market information, from the SIPs.

Consolidated market information. Consolidated market information is information obtained from the SIPs, together with associated SIP indicators, such as consolidated volume and consolidated price information, and is disseminated consistent with any delay period applicable under the national market system plan(s) governing consolidated equity market data.[13]

The Exchange will file a proposed rule change with the Commission before disseminating through the Cboe One Feed any information not obtained from the Multicast Depth Feeds or the SIPs, whether exchange data or otherwise.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] 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)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 11A of the Act[17] in that it supports (1) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (2) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[18] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and not unreasonably discriminatory.

Describing the Cboe One Feed by source promotes transparency and removes impediments to a free and open market because Rule 13.8(b) will accurately identify the sources of the feed: the Multicast Depth Feeds, each of which is itself described in the rules of

[9] *See supra* note 8.

[10] The Exchange notes that the number of price levels is publicly disclosed in the technical specifications and any change is announced in advance via Exchange Notice, so market participants will have advance notice of, and transparency into, the number of price levels available in Cboe One Premium.

[11] *See* Exchange Rule 13.8(b) (providing for the Retail Liquidity Identifier on behalf of BYX); BYX Rule 11.24(e) (Retail Liquidity Identifier); EDGX Rule 11.21(e) (Retail Liquidity Identifier).

[12] *See* Cboe Titanium Cboe One Equities Feed Specification, Version 1.4.16 (October 2, 2026), available at Cboe Titanium Cboe One Equities Feed Specification (describing, among other things, the Opening/Closing Price, Fractional Trade, Fractional Trade Break, Fractional Symbol Summary, and Fractional End of Day Summary messages, including the criteria for last sale eligibility and the timing of the Cboe One Opening Price and Cboe One Closing Price).

[13] The SIPs disseminate consolidated last sale information for NMS stocks pursuant to the national market system plan(s) governing the dissemination of consolidated equity market data, currently the CTA Plan and the UTP Plan, which are expected to be replaced by the CT Plan.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] 15 U.S.C. 78k–1.

[18] 17 CFR 242.603(a).

the applicable exchange, and the SIPs. The Exchange's Multicast Depth feed is described in EDGA Rule 13.8(a). The details of each data element, including the number of price levels in Cboe One Premium and the methodology for the Cboe One Opening Price and the Cboe One Closing Price, are set forth in the publicly available Cboe One Feed technical specifications, so that market participants can readily determine the content and methodology of each data element disseminated through the feed.[19] The approach is also consistent with the manner in which other exchange groups describe comparable products. NYSE has described NYSE BQT as consisting of data elements from the existing BBO and Trades feeds of NYSE and its affiliated exchanges, together with consolidated information obtained directly from the SIPs, and as representing ''aggregated and consolidated information'' of those underlying feeds.[20] Nasdaq has similarly described Nasdaq Last Sale Plus as, in essence, a product that consolidates information from multiple Nasdaq exchanges and the SIPs.[21] Most recently, Nasdaq proposed Nasdaq Basic Plus and Nasdaq TotalView Plus, which offer consolidated top of book and depth of book information from Nasdaq and its affiliated exchanges, and which Nasdaq identified as comparable to Cboe One Summary and Cboe One Premium, respectively.[22]

In addition, because the Cboe One Feed is a single product offered jointly by the Exchange and its affiliated exchanges, the Exchange believes that harmonizing the description of the Cboe One Feed across the rules of the Exchange, BZX, BYX, and EDGX, through substantively identical proposed rule changes filed concurrently by each exchange, promotes transparency and consistency and removes impediments to a free and open market by ensuring that market participants and the public can look to the rules of any of the four exchanges and find the same description of the same product.

Finally, the Exchange notes that the Cboe One Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data product available. Thus, users of the data product may discontinue use of the product at any time and for any reason.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition because the Cboe One Feed will be available to all recipients on the same terms, and the proposal does not amend any fees. The restatement of Rule 13.8(b) by source does not itself change the content of the feed or of either version, and the removal of the specific number of price levels from the rule text does not change the current content of Cboe One Premium, which will continue to be described in the technical specifications and changed only upon advance Exchange Notice. The proposed rule change will not impose any burden on intermarket competition because the Exchange is not the exclusive distributor of the aggregated and consolidated information that comprises the Cboe One Feed. This includes any SIP-based information, which is limited to information that any subscriber to the SIP data feeds could obtain from the SIPs. The Cboe One Feed is an optional product that competes with similar products offered by other exchanges and with the SIPs, and market participants are not required to subscribe to it.[23]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and Rule 19b–4(f)(6) thereunder.[25] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6)[28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because the proposed rule change restates the description of the Cboe One Feed in Rule 13.8(b) by source and does not change the content of either version of the Cboe One Feed, or any fee applicable to the Cboe One Feed. Furthermore, the proposed rule change does not raise any new or novel issues, as it is consistent with the manner in which other exchanges describe comparable aggregated market data products, as discussed above. For these reasons, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[30]

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

[19] *See supra* note 14.

[20] *See* Securities Exchange Act Release No. 99591 (February 23, 2024), 89 FR 14915 (February 29, 2024) (SR–NYSE–2024–08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Content of the NYSE Best Quote & Trades Data Feed); Securities Exchange Act Release No. 93000 (September 15, 2021), 86 FR 52505 (September 21, 2021) (SR–NYSE–2021–51); Securities Exchange Act Release No. 87554 (November 15, 2019), 84 FR 64386 (November 21, 2019) (SR–NYSE–2019–61).

[21] *See* Securities Exchange Act Release No. 91241 (March 2, 2021), 86 FR 13427 (March 8, 2021) (SR–NASDAQ–2021–010).

[22] *See* Securities Exchange Act Release No. 105997 (July 28, 2026), 91 FR 48466 (July 31, 2026) (SR–NASDAQ–2026–061) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Introduce Nasdaq TotalView Plus and Nasdaq Basic Plus Data Feeds).

[23] *See supra* notes 22 through 24.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] 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).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeEDGA–2026–037 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2026–037. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2026–037 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

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[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106865; File No. SR–NASDAQ–2026–096]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rule Equity 7 Section 115

November 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 November 2, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 115(f)(3) of Equity 7 to provide that the Dedicated OUCH Port Infrastructure subscription service is available to support only Day Session ports, and not ports to be used in the Night Session, as described below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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 Section 115(f)(3) of Equity 7 (Pricing Schedule) to provide that the Dedicated OUCH Port Infrastructure subscription service offered under that provision is available to support Day Session [3] ports only and is not available to support Night Session [4] ports.

The Dedicated OUCH Port Infrastructure service allows a member firm to assign up to 30 of its OUCH ports to a dedicated server infrastructure for its exclusive use.[5] An OUCH port is a connectivity port designated to accept only OUCH protocol messaging, which provides a method for subscribers to send orders and receive status updates on those orders.

A Dedicated OUCH Port Infrastructure subscription is available to a member

[3] *See* Exchange Rule Equity 1(a)(18) (defining the term ''Day Session'' as the time between 4:00 a.m. ET and 8:00 p.m. ET on Business Days, during which period the Pre-Market Hours, Regular Market Hours and Post-Market Hours are in operation).

[4] As approved by the Commission, the Exchange's Night Session will permit trading in NMS Stocks from 9:00 p.m. Eastern Time until 4:00 a.m. Eastern Time as part of the Exchange's initiative to extend trading hours to 23 hours a day, 5 days per week (''23–5 Trading''). *See, e.g.,* Securities Exchange Act Release No. 34–105199 (April 10, 2026), 91 FR 20222 (April 15, 2026) (''23–5 Approval Order''); Exchange Rule Equity 1, Section 1(a)(19) (defining the term ''Night Session'' as the time between 9:00 p.m. on one calendar day through 4:00 a.m. the next calendar day Sunday through Thursday provided that each such next calendar day is a Business Day and further providing (1) that the Exchange shall not commence operation of the Night Session unless the Equity Data Plans have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the Night Session that is equivalent to the mechanism established for Exchange trading hours during Regular Market Hours, and have provided the Exchange with notification that they are prepared to collect, consolidate, process and disseminate quotation and transaction information to accommodate the Night Session; (2) that, prior to commencing operation during the Night Session, the Exchange will file a proposed rule change pursuant to Section 19(b) of the Exchange Act and the rules thereunder to amend its rules confirming that the Exchange is able to comply with its obligations under the Exchange Act and the rules thereunder during the Night Session and that such Equity Data Plans are prepared to collect, consolidate, process and disseminate quotation and transaction information at all times during the Night Session (''Night Session Proposed Rule Change''); and (3) that if the Night Session Proposed Rule Change is not filed within 18 months of the SEC's approval of this proposed rule change, the Exchange will promptly file a proposed rule change to remove the rules that apply to the Night Session).

[5] *See* Securities Exchange Act Release No. 70036 (July 25, 2013), 78 FR 45993 (July 30, 2013) (SR–NASDAQ–2013–097) (describing, among other things, the Dedicated OUCH Port Infrastructure offering).

firm for a fee of $5,000 per month, which is in addition to the standard fees assessed for each OUCH port. A one-time installation fee of $5,000 is assessed to subscribers for each Dedicated OUCH Port Infrastructure subscription. The service is optional and is available to all member firms.[6] Absent a subscription, the Exchange distributes a member firm's OUCH ports among shared servers, which act as switches that channel the message traffic a member firm sends through its ports to the Exchange's system. All port servers, including the servers used for the Dedicated OUCH Port Infrastructure service, are owned and operated by the Exchange, and a subscribing member firm does not have physical access to its dedicated server or the ability to modify it.

The Exchange now proposes to amend Section 115(f)(3) of Equity 7 to provide that the Dedicated OUCH Port Infrastructure subscription service is available to support Day Session ports only and is not available to support Night Session ports.[7] The reason for the proposed change is that the Exchange has determined that separating the operation of Day Session ports and Night Session ports, as proposed, is appropriate to facilitate the orderly maintenance and operation of its ports generally.[8] The Exchange therefore proposes to state expressly in its rules that the Dedicated OUCH Port Infrastructure service supports Day Session ports only, and that the offering is not available to support Night Session ports.[9]

The Exchange anticipates that fewer than ten subscribers will be affected by the proposed rule change. To continue using their Night Session ports, each affected subscriber need only place its Night Session ports on shared server infrastructure at no additional cost, as Exchange customers that do not subscribe to the Dedicated OUCH Port Infrastructure subscription service do today. Night Session OUCH ports placed on shared servers will remain subject to the fees otherwise applicable to OUCH ports under Section 115 of Equity 7.[10] The Dedicated OUCH Port Infrastructure subscription service, including its fees, will continue to be available to support Day Session ports without change.

The Exchange proposes to make the proposed rule change effective upon filing and operative on November 2, 2026, so that the Exchange provide timely notice to subscribers of the service.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is reasonable. The Dedicated OUCH Port Infrastructure subscription service is optional, and a subscriber will continue to receive the same service for the same subscription fee in support of its Day Session ports. The Exchange has determined that separating the operation of Day Session and Night Session ports is appropriate to facilitate the orderly maintenance and operation of its ports generally. Thus, the Exchange proposes to specify that the Dedicated OUCH Port Infrastructure subscription service is available for Day Session ports only and that the service is not available to support the use of Night Session ports. The Exchange notes that Night Session ports remain subject to the fees otherwise applicable to OUCH ports under Section 115 of Equity 7.

The Exchange believes that the proposed rule change is an equitable allocation of fees and is not unfairly discriminatory. The proposal applies uniformly to all member firms and turns on the trading session the optional connectivity offering supports, not on the identity of the member firm. Every member firm will connect its Night Session ports in the same manner, whether or not it subscribes to the service for its Day Session ports.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system by stating clearly in its rules which ports the service supports, so that member firms can arrange their Night Session connectivity accordingly.

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.

The Exchange does not believe that the proposed rule change will impose a burden on intramarket competition not necessary or appropriate in furtherance of the purposes of the Act.

The Dedicated OUCH Port Infrastructure service is optional, and the proposal will apply equally to every member firm that subscribes to it. Every member firm, including a subscriber to the service, may place its Night Session ports on shared server infrastructure, which is how most customers connect to the Exchange today.

The Exchange does not believe that the proposed rule change will impose a burden on intermarket competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal addresses only which ports an optional connectivity service—the Dedicated OUCH Infrastructure subscription service—supports. Member firms are not required to use the Dedicated OUCH Port Infrastructure service to access the Exchange.

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 Act.[13]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[6] *See* SR–NASDAQ–2013–097 *supra* note 5.

[7] *See* proposed Exchange Rule Equity 7, Section 115(f)(3).

[8] As the Exchange has explained, Night Session ports cannot be used to connect to the Day Session and vice versa. *See* Securities Exchange Act Release No. 34–106319 (Sep. 10, 2026), 91 FR 58517 (Sep. 15, 2026) (SR–NASDAQ–2026–073).

[9] *See* proposed Exchange Rule Equity 7, Section 115(f)(3).

[10] As noted in Exchange Rule Equity 7, Section 115, subject to Exchange Rule Equity 1, Section 1(a)(19), the first five Night Session OUCH ports ordered for an MPID will be provided without charge. Beginning with the sixth Night Session OUCH port ordered for the same MPID, the Exchange will assess the standard fee otherwise applicable to OUCH ports under Section 115(g) of Rule Equity 7.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

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–NASDAQ–2026–096 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–NASDAQ–2026–096. 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–NASDAQ–2026–096 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23182 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106846; File No. SR–NasdaqTX–2026–055]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Exchange's Options Regulatory Fee (ORF)

November 9, 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 October 29, 2026, Nasdaq Texas, LLC (''NTX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the NTX Options Regulatory Fee (''ORF'') rate that will be effective on November 1, 2026. Additionally, the Exchange proposes a non-substantive amendment to Options 7, Section 5, to delete obsolete rule text that described a prior ORF collection methodology.

While the changes proposed herein are effective upon filing, the Exchange has designated the proposed rule change to be operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaqtx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

At this time, NTX proposes to increase the ORF rate from $0.0200 to $0.0240 per contract side, effective November 1, 2026. This rate change is influenced by a review of regulatory costs and realized options volumes at the Exchange. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 5, to delete obsolete rule text that described a prior ORF collection methodology.

NTX assesses ORF for options transactions cleared by The Options Clearing Corporation (''OCC'') in the customer [3] range, however ORF is assessed to each NTX Options Participant [4] for executions that occur on NTX Options. Specifically, the ORF is collected by OCC on behalf of NTX Options from Participants and non-Participants for all customer transactions executed on NTX Options. ORF is assessed and collected on ultimately cleared customer contracts, taking into account adjustments for CMTA that were provided to NTX Options the same day as the trade.[5] Further, the Exchange bills ORF according to the clearing instructions provided on the execution. More specifically, NTX Options assesses ORF based on the clearing instruction provided on the execution on trade date and does not take into consideration CMTA changes or transfers that occur at OCC.[6]

[3] ORF is assessed by NTX Options and collected via the OCC from Customers, Professional Customers, and Broker-Dealers that are not affiliated with a clearing member. These market participants clear in the ''C'' range at OCC. On NTX Options, a ''Customer'' applies to any transaction that is identified by a Participant for clearing in the Customer range at OCC which is not for the account of broker or dealer or for the account of a ''Professional''; a ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Options 1, Section 1(a)(48); and a ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[4] The term ''Options Participant'' or ''Participant'' mean a firm, or organization that is registered with the Exchange pursuant to Options 2A of these Rules for purposes of participating in options trading on NTX Options as a ''NTX Options Order Entry Firm'' or ''NTX Options Market Maker.'' *See* Options 1, Section 1(a)(40).

[5] Adjustments to CMTA that occur at OCC are not taken into account.

[6] Adjustments that were made the same day as the trade on the Exchange will be taken into account.

NTX Options ensures that ORF Regulatory Revenue [7] does not exceed a material portion of Options Regulatory Costs.[8] More specifically, NTX Options endeavors to ensure that ORF Regulatory Revenue generated from ORF does not exceed 82% of Options Regulatory Costs. The Exchange will notify Participants via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.[9]

As is the case today, NTX Options will monitor ORF Regulatory Revenue to ensure that it, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. In determining whether an expense is considered an Options Regulatory Costs, the Exchange will continue to review all costs and make determinations whether 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 will continue to offset Options Regulatory Costs.

ORF Regulatory Revenue is designed to recover a material portion of the Options Regulatory Costs to the Exchange for the supervision and regulation of Participants' transactions, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Options Regulatory Costs include direct regulatory expenses [10] and certain indirect expenses in support of the regulatory function.[11]

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed increase of the ORF rate is reasonable because of lower-than-expected options volumes at the Exchange have resulted in lower-than-expected ORF Regulatory Revenue. Increasing the ORF rate would increase the ORF Regulatory Revenue, while continuing to ensure that ORF Regulatory Revenue does not exceed a material portion of the Exchange's Options Regulatory Costs. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's Options Regulatory Costs.

The Exchange designed the ORF to generate ORF Regulatory Revenue that would be less than the Exchange's Options Regulatory Costs, thereby ensuring that such revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. This is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above; however, after review of its Options Regulatory Costs and ORF Regulatory Revenue, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent an increase in the ORF rate it may collect ORF Regulatory Revenue that would fall significantly short of its Options Regulatory Costs. Indeed, the Exchange notes that when taking into account options volume, it estimates that the current ORF rate, if left unchanged, may generate ORF Regulatory Revenue that would fall short of the targeted 82% of the Exchange's projected Options Regulatory Costs. As such, the Exchange believes it is reasonable and appropriate to increase the ORF rate from $0.0200 to $0.0240 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory because collecting 82% of Options Regulatory Costs is appropriate and correlates to the degree of regulatory responsibility and Options Regulatory Costs borne by the Exchange with respect to customer transactions. The Exchange's proposal continues to ensure that Options Regulatory Revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. Fines collected by the Exchange in connection with a disciplinary matter will continue to offset Options Regulatory Costs. Continuing to cap ORF collected at 82% of Options Regulatory Costs is reasonable, equitable and not unfairly discriminatory as the Options Regulatory Revenue collected will offset the corresponding Options Regulatory Costs associated with on exchange customer transactions. The Exchange will review the ORF Regulatory Revenue and will amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

Finally, deleting obsolete rule text at Options 7, Section 5, is a non-substantive change that is designed to keep the Exchange rule book current, and thus make it easier to understand.

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 intra-market competition not necessary or appropriate in furtherance of the purposes of the Act because this collection accounts for customer executions, which will continue to be capped at 82% of Options Regulatory Costs. Furthermore, the Exchange will continue to review its ORF Regulatory Revenue and would amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

The proposed change to the ORF rate does 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.

Finally, deleting obsolete rule text at Options 7, Section 5, is a non-substantive change and, therefore, has no impact on competition.

[7] ORF Regulatory Revenue is the amount of revenue collected from the ORF.

[8] Options Regulatory Costs are those regulatory costs for options that comprise a subset of the Exchange's regulatory budget that are specifically related to options regulatory expenses and encompasses the cost to regulate all Participants' options activity.

[9] Participants were notified of the ORF rate changes for November 1, 2026, via an Options Trader Alert on September 28, 2026. *See* Options Trader Alert #2026–41.

[10] The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations.

[11] The indirect expenses include support from such areas as Office of the General Counsel, technology, finance and internal audit.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

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) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NasdaqTX–2026–055 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–NasdaqTX–2026–055. 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–2026–055 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23091 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106849; File No. SR–Phlx–2026–70]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Fees at Equity 7, To Establish an Optional Nasdaq PSX Monthly Subscription Fee Program

November 9, 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 October 29, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees at Equity 7, to establish an optional Nasdaq PSX Monthly Subscription Fee Program (''Program'').

These amendments are effective upon filing. However, they will become operative on November 2, 2026. Therefore, interested firms can sign up for the Program by October 30, 2026, and start operating under the Program in the trading month that begins on November 2, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 purpose of the proposed rule change is to amend the Exchange's fee schedule at Equity 7, by establishing an optional Nasdaq PSX Monthly Subscription Fee Program. The rule text for the Program will be located in Section 3 of Equity 7.

The Exchange is proposing to establish the Program as a completely voluntary and optional monthly alternative to its regular fee schedule, which charges firms [3] separate fees for each product or service they consume, including per share executed fees for removing liquidity on the Exchange during the month. Although the existing fee schedule is competitive and works well for many firms, the Exchange observes that for some firms, the existing fee schedule fails to incentivize increased participation on the Exchange. To address this concern, and to make participation in the Exchange more predictable and ultimately more attractive, the Exchange proposes to offer its firms the option to pay a single subscription fee each month.

Under the Program, a firm would be charged a flat fee of $650,000 a month. This fee will include an allocation of up to five order entry ports (*i.e.* OUCH, FIX, RASH) on Nasdaq PSX. It will also include liquidity-removing executions on Nasdaq PSX during the month—up to and including 0.125% of Consolidated Volume [4] in the prior

[3] As spelled out in the rule text, for purposes of the Program, the term ''firm'' refers either to a member organization, or a group of affiliated member organizations that have been aggregated pursuant to Equity 7, Section 3 (''Aggregation of Activity of Affiliated Member Organizations'').

[4] Equity 7, Section 3, defines ''Consolidated Volume'' for purposes of Equity 7 as ''the total

month (rounded up to the nearest whole share).[5] Any liquidity-removing executions during the month on Nasdaq PSX that exceed 0.125% of Consolidated Volume in the prior month (rounded up to the nearest whole share) will be charged a fee of $0.0027 per share. Participation in the Program will not affect a firm's ability to earn rebates for providing liquidity on the Exchange.

The Program would be entirely voluntary and optional. Any firm that does not sign up for the Program will be charged the default rates under Section 3 of Equity 7. To sign up for the Program, a firm must notify the Exchange before noon (Eastern Time) on the last trading day of the prior month.[6] Likewise, a firm may withdraw from the Program by notifying the Exchange before noon (Eastern Time) on the last trading day of the prior month.[7] A firm will remain enrolled in the Program unless it notifies the Exchange of its withdrawal from the same.

The Exchange designed this fee to reflect the existing liquidity-removing execution and order entry protocol use of its firms, while also providing a cost-effective pathway for them to grow their participation on Nasdaq PSX. For firms whose current and expected activity aligns with this subscription fee model, the program could offer meaningful monthly savings compared with the existing regular fee schedule as their activity on Nasdaq PSX continues to grow. That said, each firm should evaluate for itself its expected needs and activities to determine whether the subscription fee or the regular fee schedule is appropriate.

consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot.''

[5] As an example, in the month of September 2026, 0.125% of Consolidated Volume would have represented 375,777,878 shares. Also, compared to the default liquidity-removing rate on the Exchange of $0.0030, a firm would be better off under the Program if they remove liquidity greater than approximately 216,000,000 shares in a calendar month.

[6] Therefore, for example, if a firm wishes to be part of the Program for the month of November 2026, the firm would have to notify the Exchange no later than noon (Eastern Time) on Friday, October 30, 2026—which is the last trading day of the prior month.

[7] Therefore, for example, if a firm chose to be part of the Program for the month of November 2026, but wishes to drop out of the Program starting in December 2026, the firm would have to notify the Exchange no later than noon (Eastern Time) on Monday, November 30, 2026—which is the last trading day of the prior month. If a firm opts into the Program for a given month, it will remain on the Program for all subsequent months, unless the firm notifies the Exchange and withdraws from the Program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its fee schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce .' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [10]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that the proposed Program is reasonable because it would provide firms with an additional, simple, and predictable monthly pricing alternative for their Nasdaq PSX order entry protocol use and liquidity-removing execution activity, while retaining the flexibility to choose to continue being subject to regular transactions fees and port fees. A firm that elects the Program would pay a monthly fee that includes up to five order entry ports and liquidity-removing executions on Nasdaq PSX during the month up to and including 0.125% of Consolidated Volume in the prior month, while liquidity-removing executions above that level would be subject to the stated per-share fee. Firms that do not believe the Program is appropriate for their business, trading strategy, or expected liquidity-removing volume may choose not to enroll and instead remain subject to the default rates in Section 3 of Equity 7. The proposal therefore adds pricing choice rather than replacing the existing fee schedule.

The Exchange believes that the Program is reasonable, as it is a voluntary alternative to its regular fee schedule, which charges firms separate fees for each product or service they consume, including per share executed fees for removing liquidity on the Exchange during the month. Although the existing fee schedule is competitive and works well for many firms, the Exchange observes that for some firms, the existing fee schedule is complex and onerous to navigate, and that it fails to incentivize increased participation on the Exchange. To address this concern, which the Commission itself has expressed in the past, and to make participation in the Exchange easier, simpler, more predictable and ultimately more attractive, the Exchange believes that it is reasonable and consistent with the Act to offer its firms the option to pay a single subscription

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (Dec. 2, 2008), 73 FR 74770, 74782–83 (Dec. 9, 2008) (SR–NYSEArca–2006–21)).

[11] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

fee each month. The monthly fee would encompass a single flat monthly subscription fee to cover many if not most of their trading activities on the Exchange.

The Exchange also believes that the proposed Program is an equitable allocation of reasonable dues, fees, and other charges. The Program would be available to all firms on the same terms, and the monthly fee would apply only to firms that affirmatively choose to receive the bundled package of order entry ports and liquidity-removing executions covered by the Program. The included liquidity-removing execution volume threshold is based on current month activity of firms and prior-month Consolidated Volume, an objective and transparent measure already used in Equity 7 to determine transaction pricing, and the use of these appropriate measurement periods provides firms with greater certainty when deciding whether to elect the Program for a particular month. The Exchange believes that it is equitable to offer a monthly alternative that may be attractive to firms whose expected usage would make the Program efficient, while preserving the existing default pricing structure for firms that do not elect the Program.

The Exchange further believes that the proposed Program is not unfairly discriminatory. The Program would be offered to all firms in a uniform manner, and any differences in the economic effect of the Program would result from a firm's voluntary decision to enroll and its own level of Nasdaq PSX usage. Firms that determine that the Program would not be beneficial may continue to access Nasdaq PSX under the Exchange's otherwise-applicable pricing schedule. As a result, the proposal does not favor or penalize any particular firm, but instead permits each firm to choose the pricing option that best aligns with its business needs.

Finally, the Exchange believes that the Program is consistent with the Act because it may encourage additional order flow to Nasdaq PSX and thereby enhance market quality. By providing a firm with greater cost certainty for a specified amount of order entry and liquidity-removing execution activity, the Program may incentivize firms to direct additional orders to Nasdaq PSX. Additional order flow and liquidity on Nasdaq PSX may benefit all market participants by increasing liquidity-removing execution opportunities and contributing to a more robust market. If the Program does not provide sufficient value to firms, they may decline to enroll or withdraw from the Program, and they remain free to route order flow to other venues.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The Exchange does not believe that the Program will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Program would be voluntary, and it would be available to all firms on the same terms. No firm would be required to enroll in the Program, and a firm that does not enroll would continue to be charged the default rates under Section 3 of Equity 7. Likewise, a firm that enrolls but later determines that the Program is no longer attractive may withdraw by providing timely notice to the Exchange. The Program therefore would not place any category of firm at a competitive disadvantage; rather, it would add an optional pricing alternative that each firm may evaluate based on its own expected Nasdaq PSX usage.

The Exchange also does not believe that the Program will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. Nasdaq PSX operates in a highly competitive market in which firms can readily direct order flow to competing equities exchanges or off-exchange venues if they view the Exchange's pricing as unattractive. The Program does not restrict the ability of any competing venue to modify its own fees, credits, connectivity charges, or pricing programs in response. To the extent the Program succeeds, it will do so because firms voluntarily determine that the Program provides value relative to available alternatives.

For these reasons, the Exchange believes that the Program may promote competition by giving firms an additional way to access Nasdaq PSX and manage their anticipated transaction and order entry costs. The proposal does not eliminate any existing pricing option, does not require firms to purchase any new service, and does not prevent other venues from offering similar or different pricing alternatives. Accordingly, the Exchange believes that any competitive effect of the proposal would be limited and consistent with the Exchange's need to compete for order flow in the national market system.

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 Act.[12]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2026–70 on the subject line.

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–70. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2026–70 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23094 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106870; File No. SR–24X–2026–30]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 14.1 Regarding Information Circular Requirements

November 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 November 3, 2026, 24X National Exchange LLC (''24X'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (1) amend 24X Rule 14.1(a) to add express cross-references to 24X Rules 3.7 and 3.21; (2) delete 24X Rule 14.1(b)(1) in its entirety, thereby removing the requirement that the Exchange distribute an information circular to Members[3] prior to the commencement of trading in each UTP Exchange Traded Product[4] that generally includes the same information as contained in the information circular approved by the listing exchange; (3) amend 24X Rule 14.1(b)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities; and (4) renumber 24X Rules 14.1(b)(2) through (5) as 24X Rules 14.1(b)(1) through (4), respectively. The Exchange has designated this proposal as non-controversial pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) thereunder.[6] The proposal is similar to a proposal that Cboe BZX Exchange, Inc. (''Cboe BZX'') filed with the Commission.[7] The proposed rule change is available on the Exchange's website at *https://equities.24exchange.com/regulation* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Exchange Traded Product that generally includes the same information as contained in the information circular provided by the listing exchange as provided in 24X Rule 14.1(b)(1). The Exchange also proposes to amend 24X Rule 14.1(a) to add express cross-references to 24X Rules 3.7 and 3.21. The Exchange also proposes to amend 24X Rule 14.1(b)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities.[8] Finally, the Exchange proposes to renumber 24X Rules 14.1(b)(2) through (5) as 24X Rules 14.1(b)(1) through (4), respectively.

24X Rule 14.1(b) governs the trading of UTP Exchange Traded Products, which are securities listed on another national securities exchange that trade on the Exchange pursuant to unlisted trading privileges (''UTP''). Under current 24X Rule 14.1(b)(1), the Exchange must distribute an information circular prior to the commencement of trading in each UTP Exchange Traded Product that generally mirrors the information circular issued by the primary listing exchange, including: (a) the special risks of trading the new Exchange Traded Product; (b) the Exchange Rules that will apply to the new Exchange Traded Product; and (c) information about the dissemination of the value of the underlying assets or indices. The Exchange proposes to delete 24X Rule 14.1(b)(1) in its entirety.

The information circular requirement is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* 24X Rule 1.5(u).

[4] *See* 24X Rule 1.5(nn)

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] *See* Securities Exchange Act Release No. 105715 (Jun. 17, 2026), 91 FR 37477 (Jun. 23, 2026) (SR–CboeBZX–2026–054).

[8] As further described below, the Exchange will notify Members of the written description requirement under 24X Rule 14.1(b)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

same purposes.[9] The Exchange's issuance of a separate, duplicative circular therefore serves no independent investor protection function.

The Exchange also proposes to amend 24X Rule 14.1(a) to add express cross-references to 24X Rule 3.7 (Recommendations to Customers) and 24X Rule 3.21 (Customer Disclosures). The Exchange is adding express cross-references to those rules in the introductory paragraph of 24X Rule 14.1(a) to enhance their visibility in the context of UTP Exchange Traded Products. These rules already apply to Members by operation of the Exchange's rulebook. The cross-references are intended to make the applicable framework explicit in the context of UTP Exchange Traded Products. 24X Rule 3.7 independently requires Members to ensure that any recommendation of a UTP Exchange Traded Product is suitable for the customer based on the customer's investment profile, a standing obligation that applies regardless of whether the Exchange has issued a product-specific information circular. Similarly, 24X Rule 3.21 independently requires Members to provide customers with a written disclosure of the risks of trading outside of Regular Trading Hours before accepting any order for execution during such sessions, a standing obligation not contingent on the Exchange's issuance of a product-specific information circular.

Because 24X Rule 14.1(b)(1) has historically served as the mechanism through which the Exchange satisfies the notification obligation under 24X Rule 14.1(b)(2)(B), deletion of 24X Rule 14.1(b)(1) necessitates a conforming amendment to 24X Rule 14.1(b)(2)(B). The Exchange proposes to amend 24X Rule 14.1(b)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Exchange Traded Product, a duplicative written description obligation serves no independent investor protection function. Members may rely on the listing exchange's information circular in the same manner and to the same effect.

Finally, the Exchange proposes to renumber existing 24X Rules 14.1(b)(2) through (5) as 24X Rules 14.1(b)(1) through (4), respectively.

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.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] 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) [12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed deletion of 24X Rule 14.1(b)(1) is consistent with the Act because the primary listing exchange's information circular already provides. Members with the same disclosures that the Exchange's information circular would contain. The investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by 24X Rules 3.7 and 3.21, to which the Exchange proposes to add express cross-references in 24X Rule 14.1(a). The proposed amendment to 24X Rule 14.1(b)(2)(B) ensures that where a written description is required, it is provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, thereby aligning the Exchange's requirements with those of the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of 24X Rules 14.1(b)(2) through (5) as 24X Rules 14.1(b)(1) through (4) is ministerial. Additionally, as discussed above, the proposal does not raise any novel issues not previously considered by the Commission.[13] For these reasons, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue. It does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange, impose any new requirements on Members, or affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to 24X Rule 14.1(b)(2)(B) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires.[14] Accordingly, the Exchange does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section

[9] Such information circulars are generally available on the primary listing exchange's website.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] *See supra* note 7.

[14] As described above, the Exchange will notify Members of the written description requirement under Rule 14.1(b)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[20] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce.[21] The Exchange also notes that the proposed rule change does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange. 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. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[22]

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–24X–2026–30 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–24X–2026–30. 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–24X–2026–30 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23186 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of 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.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] The Exchange represents that such information circulars are generally available on the primary listing exchange's website. *See supra* note 9.

[22] 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).

[23] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106844; File No. SR–MRX–2026–43]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Exchange's Options Regulatory Fee (ORF)

November 9, 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 October 29, 2026, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the MRX Options Regulatory Fee (''ORF'') rate that will be effective on November 1, 2026. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 5(C), to delete obsolete rule text that described a prior ORF collection methodology.

While the changes proposed herein are effective upon filing, the Exchange has designated the proposed rule change to be operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

At this time, MRX proposes to increase the ORF rate from $0.0080 to $0.0110 per contract side, effective November 1, 2026. This rate change is influenced by a review of regulatory costs and realized options volumes at the Exchange. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 5(C), to delete obsolete rule text that described a prior ORF collection methodology.

MRX assesses ORF for options transactions cleared by The Options Clearing Corporation (''OCC'') in the customer [3] range, however ORF is assessed to each MRX Member [4] for executions that occur on MRX. Specifically, the ORF is collected by OCC on behalf of MRX from Members and non-members for all customer transactions executed on MRX. ORF is assessed and collected on ultimately cleared customer contracts, taking into account adjustments for CMTA that were provided to MRX the same day as the trade.[5] Further, the Exchange bills ORF according to the clearing instructions provided on the execution. More specifically, MRX assesses ORF based on the clearing instruction provided on the execution on trade date and does not take into consideration CMTA changes or transfers that occur at OCC.[6]

MRX ensures that ORF Regulatory Revenue [7] does not exceed a material portion of Options Regulatory Costs.[8] More specifically, MRX endeavors to ensure that ORF Regulatory Revenue generated from ORF does not exceed 82% of Options Regulatory Costs. The Exchange will notify Members via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.[9]

As is the case today, MRX will monitor ORF Regulatory Revenue to ensure that it, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. In determining whether an expense is considered an Options Regulatory Costs, the Exchange will continue to review all costs and make determinations whether 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 will continue to offset Options Regulatory Costs.

ORF Regulatory Revenue is designed to recover a material portion of the Options Regulatory Costs to the Exchange for the supervision and regulation of Members' transactions, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Options Regulatory Costs include direct regulatory expenses [10] and certain indirect expenses in support of the regulatory function.[11]

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed increase of the ORF rate is reasonable because of lower-than-expected options volumes at the Exchange have resulted in lower-than-expected ORF Regulatory Revenue. Increasing the ORF rate would increase the ORF Regulatory Revenue, while continuing to ensure that ORF Regulatory Revenue does not exceed a material portion of the Exchange's Options Regulatory Costs. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's Options Regulatory Costs.

The Exchange designed the ORF to generate ORF Regulatory Revenue that would be less than the Exchange's Options Regulatory Costs, thereby ensuring that such revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. This is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above; however, after review of its Options Regulatory Costs and ORF Regulatory Revenue, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent an increase in the ORF rate it may collect ORF Regulatory Revenue that would fall significantly short of its Options Regulatory Costs. Indeed, the Exchange notes that when taking into account options volume, it estimates that the current ORF rate, if left unchanged, may generate ORF Regulatory Revenue that would fall short of the targeted 82% of the Exchange's projected Options Regulatory Costs. As such, the Exchange believes it is reasonable and appropriate to increase the ORF rate from $0.0080 to $0.0110 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory because collecting 82% of Options Regulatory Costs is appropriate and correlates to the degree of regulatory responsibility and Options Regulatory Costs borne by the Exchange with respect to customer transactions. The Exchange's proposal continues to ensure that Options Regulatory Revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. Fines collected by the Exchange in connection with a disciplinary matter will continue to offset Options

[3] ORF is assessed by MRX and collected via the OCC from Priority Customers, Professional Customers, and Broker-Dealers that are not affiliated with a clearing member. These market participants clear in the ''C'' range at OCC. On MRX, a ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in MRX Options 1, Section 1(a)(37); a ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer; and a ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account.

[4] The term ''Member'' means an organization that has been approved to exercise trading rights associated with Exchange Rights. *See* General 1, Section 1(a)(14).

[5] Adjustments to CMTA that occur at OCC are not taken into account.

[6] Adjustments that were made the same day as the trade on MRX will be taken into account.

[7] ORF Regulatory Revenue is the amount of revenue collected from the ORF.

[8] Options Regulatory Costs are those regulatory costs for options that comprise a subset of the Exchange's regulatory budget that are specifically related to options regulatory expenses and encompasses the cost to regulate all Members' options activity.

[9] Members were notified of the ORF rate changes for November 1, 2026, via an Options Trader Alert on September 28, 2026. *See* Options Trader Alert #2026–41.

[10] The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations.

[11] The indirect expenses include support from such areas as Office of the General Counsel, technology, finance and internal audit.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

Regulatory Costs. Continuing to cap ORF collected at 82% of Options Regulatory Costs is reasonable, equitable and not unfairly discriminatory as the Options Regulatory Revenue collected will offset the corresponding Options Regulatory Costs associated with on exchange customer transactions. The Exchange will review the ORF Regulatory Revenue and will amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

Finally, deleting obsolete rule text at Options 7, Section 5(C), is a non-substantive change that is designed to keep the Exchange rule book current, and thus make it easier to understand.

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 intra-market competition not necessary or appropriate in furtherance of the purposes of the Act because this collection accounts for customer executions, which will continue to be capped at 82% of Options Regulatory Costs. Furthermore, the Exchange will continue to review its ORF Regulatory Revenue and would amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

The proposed change to the ORF rate does 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.

Finally, deleting obsolete rule text at Options 7, Section 5(C), is a non-substantive change and, therefore, has no impact on competition.

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) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2026–43 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–MRX–2026–43. 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–MRX–2026–43 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23089 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106848; File No. SR–NYSEAMER–2026–98]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Connectivity Fee Schedule

November 9, 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 October 28, 2026, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products (''Included Data Products'').

Currently, the table of Included Data Products in Colocation Note 4 sets forth the market data feeds that Users [4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5]

The Exchange proposes to update the table of Included Data Products to include NYSE Options Select, a data feed that consists of a subset of data from the OPRA consolidated data feed that has been curated by the Exchange's Affiliate SRO NYSE.[6] Given the growing number of options series and the increasing popularity of options trading, the OPRA consolidated data feed is voluminous and requires market participants to dedicate significant amounts of bandwidth to receive it. The NYSE Options Select data feed would provide market participants the ability to view critical NBBO, trade data, and administrative messages from the OPRA data feed without consuming the full OPRA data set, thereby decreasing bandwidth requirements and costs when compared to the full OPRA data feed. Other exchange groups currently offer similar selections of the OPRA data feed, including the Nasdaq Smart Options [7] and Cboe Options Lite [8] data feeds.

To implement the change, the Exchange proposes to update the table of Included Data Products as follows (proposed addition italicized):

NYSE Bonds.
NYSE Options Select.
NYSE Options Select Trades & NBBO.
NYSE Options Select Trades & NBBO Snapshot.
NYSE Texas.
NYSE Texas Aggregated Lite.
NYSE Texas BBO.
NYSE Texas Integrated Feed.
NYSE Texas Order Imbalances.
NYSE Texas Trades.

As indicated, the Exchange plans to offer connectivity to two different NYSE Options Select data feeds: NYSE Options Select Trades & NBBO, which includes real-time trades and real-time NBBO updates for all OPRA symbols, and NYSE Options Select Trades & NBBO Snapshot, which includes real-time trades for all OPRA symbols plus an NBBO snapshot at the time of a trade (collectively the ''NYSE Options Select data feeds'').

The Exchange does not charge for connectivity to the Included Data Feeds. Accordingly, it would not charge for connectivity to the NYSE Options Select data feeds.

Application and Impact of the Proposed Changes

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

Implementation

The proposed rule change will become operational when the NYSE Options Select data feeds are available. The Exchange will announce the date through a customer notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

The Proposed Rule Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is reasonable because the change would mean that a User would have the option of adding connectivity to additional market data feeds without paying additional charges.

Adding the NYSE Options Select data feeds to the list of Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished but would not require it to do so. As currently, a User would be able to determine which Included Data Products, if any, to which it connects,

[4] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). As specified in the Connectivity Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* Securities Exchange Act Release No. 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule Related to Colocation Services To Increase LCN and IP Network Fees and Add a Description of Access To Trading and Execution Services and Connectivity to Included Data Products).

[6] The Options Price Reporting Authority (''OPRA'') is a systems information processor that consolidates and disseminates consolidated last sale and quotation information from all approved U.S.-based options exchanges. Current OPRA participants include BOX Options Exchange LLC, Cboe Options Exchange, Cboe C2 Options Exchange, Cboe BZX Options Exchange, Cboe EDGX Options Exchange, MEMX Options, MEMX MX2 Options, MIAX Options, MIAX Pearl, MIAX Emerald, MIAX Sapphire, Nasdaq Options Market, Nasdaq PHLX, Nasdaq ISE, Nasdaq GEMX, Nasdaq Texas Options, Nasdaq MRX, NYSE American, and NYSE Arca. *See https://www.opraplan.com/faqs.* NYSE is a licensed redistributor of the OPRA data feed.

[7] Nasdaq Smart Options is described here: *https://data.nasdaq.com/databases/NSO.*

[8] Cboe Options Lite is described here: *https://www.cboe.com/insights/posts/cboe-options-lite-access-real-time-options-data-with-less-cost-and-complexity.*

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

The Proposed Rule Change Is Equitable and Not Unfairly Discriminatory

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory since, as is true now, the proposed change would not apply differently to distinct types or sizes of Users but would apply to all Users equally. Moreover, adding the proposed additional Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. As now, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12]

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Adding the proposed additional Included Data Product would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. In this way, the proposed changes would enhance competition by, as now, enabling a User to determine to which Included Data Products, if any, it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as with the other Included Data Products, it believes it would not be the exclusive method to connect to the NYSE Options Select data feeds. As alternatives to connecting to the NYSE Options Select data feeds as an Included Data Products, a User may connect to the market data feed through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. In addition, a User may choose instead to connect to a similar product offered by another exchange, such as Nasdaq Smart Options or Cboe Options Lite.[13]

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed addition to the description of Included Data Products would make the description more accessible and transparent. In this manner, the proposed change would provide market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks, thereby enhancing competition by ensuring that all Users have access to the same information regarding the Included Data Products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[16]

[12] 15 U.S.C. 78f(b)(8).

[13] *See supra* notes 7 and 8.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay would allow the Exchange to promptly provide market participants with another choice for obtaining streamlined options data as the Exchange anticipates that the NYSE Options Select data feeds will be ready for launch in fewer than 30 days. The Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change does not present any novel issues and it would provide investors with an additional option for accessing potentially helpful information that could inform their trading decisions as soon as the feeds are available. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–98 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–98. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NYSEAMER–2026–98 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

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[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 also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106860; File No. SR–ISE–2026–57]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for NDX Options

November 9, 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 October 27, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fees for Nasdaq 100® Index (''NDX'')[3] options in the Exchange's Pricing Schedule at Options 7, Section 5.A.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase the NDX and NDXP options fees for regular orders assessed to Non-Priority Customer[4] market participants in Options 7, Section 5.A. The Exchange also proposes some minor technical amendments to the Pricing Schedule. The changes are described below.

As set forth in Options 7, Section 5.A, the Exchange currently assesses a fee of $0.75 per contract for NDX and NDXP

[3] ''NDX'' means A.M. or P.M. settled options on the full value of the Nasdaq 100® Index. *See* Options 7, Section 1(c).

[4] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq ISE Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers. *See* Options 7, Section 1(c).

Market Maker,[5] Non-Nasdaq ISE Market Maker (FarMM),[6] Firm Proprietary [7]/ Broker-Dealer [8] and Professional Customer [9] regular orders. Priority Customer [10] orders are currently assessed a $0.50 per contract fee in NDX and NDXP.

The Exchange now proposes to increase the Non-Priority Customer NDX fees for regular orders from $0.75 to $1.25 per contract. As a result, Non-Priority Customer orders would each be assessed a fee of $1.25 per contract in NDX and NDXP. The Exchange is not proposing to amend the Priority Customer fee of $0.50 per contract in NDX or NDXP, or the fees for other index options in Options 7, Section 5.

The notes to Options 7, Section 5.A would continue to apply, unchanged. Specifically: (i) note 1 provides that, for all executions in complex NDX (and NDXP) [11] orders for Non-Priority Customers, the applicable complex order fees for Non-Select Symbols in Options 7, Section 4 will apply, and for all executions in complex NDX (and NDXP) [12] orders for Priority Customers, the fee will be $0.25 per contract; (ii) note 2 provides that a surcharge of $0.25 per contract is assessed to all Priority Customer complex executions in NDX (and NDXP); [13] (iii) note 3 provides that a surcharge of $0.25 per contract is assessed to all market participants for simple and complex executions in NDX (and NDXP) [14] with a premium price of $25.00 or greater; and (iv) note 4 provides that a surcharge is assessed to electronic simple Non-Priority Customer orders in NDX and NDXP that remove liquidity according to a premium schedule, which ranges from $1.00 per contract for premiums of less than $3.00 to $3.00 per contract for premiums greater than or equal to $50.00. Because complex NDX orders for Non-Priority Customers are assessed the Non-Select Symbol complex order fees in Options 7, Section 4 pursuant to note 1, the proposed fee increase would apply to Non-Priority Customer regular (simple) orders in NDX.

By way of example, under the proposed pricing a Market Maker electronic simple order in NDX with a premium of $5.00 that adds liquidity would be assessed $1.50 per contract ($1.25 fee plus the $0.25 per contract surcharge in section 5.D), as compared to $1.00 per contract today ($0.75 fee plus the $0.25 per contract surcharge in section 5.D). If the same order removed liquidity, it would be assessed $3.00 per contract (the $1.25 fee, the $0.25 per contract surcharge in section 5.D, plus the $1.50 note 4 surcharge), as compared to $2.50 per contract today (the $0.75 fee, the $0.25 per contract surcharge in section 5.D, plus the $1.50 note 4 surcharge). A Professional Customer simple order in NDX with a premium of $30.00 that adds liquidity would be assessed $1.75 per contract (the $1.25 fee plus the $0.25 surcharge in section 5.D plus the $0.25 note 3 surcharge) as compared to $1.25 per contract today (the $0.75 fee plus the $0.25 surcharge in section 5.D plus the $0.25 note 3 surcharge). By comparison, a Priority Customer simple order in NDX that adds liquidity with a premium of $30.00 would continue to be assessed $0.75 per contract (the $0.50 fee plus the $0.25 note 3 surcharge).

While the Exchange is increasing the NDX and NDXP Non-Priority Customer fee, the Exchange believes that market participants will continue to transact NDX and NDXP options on ISE given the large notional value of NDX. Each options contract has a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level. For example, at an index level of 20,000, one NDX contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points. Because the Exchange's fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. The Exchange notes that the increase is modest relative to the value of the exposure each NDX contract provides.

The Exchange's proposal to note ''and NDXP'' in a few places in Options 7, Section 5,A. is a non-substantive change as ''NDX'' is defined to include a.m.-settled and p.m.-settled on NDX options. Adding NDXP will bring greater visibility to the rule text and conform the text.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[16] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposal to increase the Non-Priority Customer NDX and NDXP fees for regular orders from $0.75 to $1.25 per contract is reasonable because Priority Customers will continue to be assessed a lower fee as compared to Non-Priority Customers, and the existing notes and surcharges in NDX and NDXP will continue to apply unchanged. The Exchange believes that, even with the increase, Non-Priority Customer pricing in NDX and NDXP will remain competitive and will continue to attract order flow to the Exchange.

The Exchange believes that the proposed Non-Priority Customer fee of $1.25 per contract in NDX and NDXP options is reasonable when considered in relation to the notional value of the product. Each NDX options contract has a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level.[17] Because the Exchange's options fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. Viewed another way, a market participant seeking comparable Nasdaq 100 exposure through other products would generally need to trade many more contracts, each of which is subject to its own transaction fees. For example, a market participant seeking exposure equivalent to one NDX contract through

[5] The term ''Market Maker'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1, Section 1(a)(22).

[6] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. *See* Options 7, Section 1(c).

[7] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account. *See* Options 7, Section 1(c).

[8] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account. *See* Options 7, Section 1(c).

[9] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Options 7, Section 1(c).

[10] A ''Priority Customer'' is a person or entity that is not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 7, Section 1(c).

[11] The Exchange proposes to add ''or NDXP'' to this note for visibility and to conform the rule text.

[12] *See id.*

[13] *See id.*

[14] *See id.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4) and (5).

[17] For example, at an index level of 20,000, one NDX contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points.

options overlying Invesco QQQ Trust (''QQQ'') [18] would need to trade approximately 41 QQQ options contracts. Those contracts would be subject to per-contract transaction fees of up to $0.45 each on the Exchange for an aggregate cost of approximately $18.45. On a notional-equivalent basis, therefore, the proposed NDX and NDXP options fees remain lower than the cost of obtaining similar exposure through alternative products. The Exchange also notes that the proposed fee is lower in some cases and higher in other cases than fees assessed by other exchanges for proprietary broad-based index options with similarly large notional values, such as S&P 500 Index (''SPX'') options on Cboe Exchange, Inc. (''Cboe'').[19] For these reasons, the Exchange believes that the proposed fee increase, while meaningful in absolute terms, is modest relative to the value of the exposure each contract provides. The Exchange believes the increase will not discourage market participants from transacting in NDX and NDXP options on the Exchange.

Pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. The Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through Nasdaq proprietary products like options overlying NDX, NDXP or XND, or separately through multi-listed options overlying QQQ. Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. Market participants also may trade competing proprietary broad-based index options on other exchanges, such as SPX and RUT options listed on Cboe.[20]

The Exchange believes that its proposal to increase the Non-Priority Customer NDX and NDXP options fees for regular orders is equitable and not unfairly discriminatory because the increased fee will be applied uniformly to all Non-Priority Customers. Continuing to assess a lower NDX and NDXP options fees to Priority Customers as compared to Non-Priority Customers is equitable and not unfairly discriminatory because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants to the benefit of all market participants who may interact with the order flow.

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.

In terms of intra-market competition, the Exchange will apply the proposed Non-Priority Customer NDX and NDXP options fees uniformly to all Non-Priority Customers. Continuing to assess a lower NDX and NDXP options fees to Priority Customers as compared to Non-Priority Customers does not impose an undue burden on competition because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants to the benefit of all market participants who may interact with the order flow.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As noted above, market participants are offered an opportunity to transact in NDX, NDXP, or XND, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index.

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX and NDXP options.[21] In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing options exchanges to maintain their competitive standing in the financial markets.

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 Act.[22] 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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[18] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX and XND.

[19] *See* Cboe Fees Schedule at: *https://www.cboe.com/us/options/membership/fee_schedule/*. With respect to non-customers, the base SPX rate is $0.28 for a market maker (falling to $0.21 on the SPX/SPXW Liquidity Provider Sliding Scale) which is notionally adjusted to $1.06 (falling to $0.80 on the SPX/SPXW Liquidity Provider Sliding Scale) and thus lower than ISE's proposed $1.25 for Market Maker. The base SPX rate is $0.26 for a firm (with a further proprietary products sliding scale) which is notionally adjusted to $0.99 (with a further proprietary products sliding scale) and thus lower than ISE's proposed $1.25 for Firm. The base SPX rate is $0.42 for a broker-dealer/professional which is notionally adjusted to $1.60 and thus higher than ISE's proposed $1.25 for Broker-Dealers and Professionals.

[20] *See, e.g.,* pricing for Russell 2000 Index (''RUT'') on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule.

[21] *See e.g.,* pricing for RUT on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX.

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

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–ISE–2026–57 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–ISE–2026–57. 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–ISE–2026–57 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23105 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106847; File No. SR–PHLX–2026–69]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Exchange's Options Regulatory Fee (ORF)

November 9, 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 October 29, 2026, Nasdaq PHLX LLC (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the PHLX Options Regulatory Fee (''ORF'') rate that will be effective on November 1, 2026. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 6(D), to delete obsolete rule text that described a prior ORF collection methodology.

While the changes proposed herein are effective upon filing, the Exchange has designated the proposed rule change to be operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

At this time, PHLX proposes to increase the ORF rate from $0.0080 to $0.0090 per contract side, effective November 1, 2026. This rate change is influenced by a review of regulatory costs and realized options volumes at the Exchange. Additionally, the Exchange proposes a non-substantive change to Options 7, Section 6(D), to delete obsolete rule text that described a prior ORF collection methodology.

PHLX assesses ORF for options transactions cleared by The Options Clearing Corporation (''OCC'') in the customer[3] range, however ORF is assessed to each PHLX member organization[4] for executions that occur on PHLX. Specifically, the ORF is collected by OCC on behalf of PHLX from member organizations and non-member organizations for all customer transactions executed on PHLX. ORF is assessed and collected on ultimately cleared customer contracts, taking into account adjustments for CMTA that were provided to PHLX the same day as the trade.[5] Further, the Exchange bills ORF according to the clearing instructions provided on the execution. More specifically, PHLX assesses ORF based on the clearing instruction provided on the execution on trade date and does not take into consideration CMTA changes or transfers that occur at OCC.[6]

PHLX ensures that ORF Regulatory Revenue[7] does not exceed a material portion of Options Regulatory Costs.[8] More specifically, PHLX endeavors to ensure that ORF Regulatory Revenue generated from ORF does not exceed 82% of Options Regulatory Costs. The Exchange will notify member organizations via an Options Trader Alert of any change in the amount of the

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ORF is assessed by PHLX and collected via the OCC from Customers, Professional Customers, and Broker-Dealers that are not affiliated with a clearing member. These market participants clear in the ''C'' range at OCC. On PHLX, a ''Customer'' means a person or entity that is not a broker or dealer in securities and is not a Professional as defined within Options 1, Section 1(b)(45); and a ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[4] The term ''member organization'' means a corporation, partnership (general or limited), limited liability partnership, limited liability company, business trust or similar organization, transacting business as a broker or a dealer in securities and which has the status of a member organization by virtue of (i) admission to membership given to it by the Membership Department pursuant to the provisions of General 3, Sections 5 and 10 or the By-Laws or (ii) the transitional rules adopted by the Exchange pursuant to Section 6–4 of the By-Laws. References herein to officer or partner, when used in the context of a member organization, shall include any person holding a similar position in any organization other than a corporation or partnership that has the status of a member organization. *See* General 1, Section 1(17).

[5] Adjustments to CMTA that occur at OCC are not taken into account.

[6] Adjustments that were made the same day as the trade on PHLX will be taken into account.

[7] ORF Regulatory Revenue is the amount of revenue collected from the ORF.

[8] Options Regulatory Costs are those regulatory costs for options that comprise a subset of the Exchange's regulatory budget that are specifically related to options regulatory expenses and encompasses the cost to regulate all member organizations' options activity.

fee at least 30 calendar days prior to the effective date of the change.[9]

As is the case today, PHLX will monitor ORF Regulatory Revenue to ensure that it, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. In determining whether an expense is considered an Options Regulatory Costs, the Exchange will continue to review all costs and make determinations whether 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 will continue to offset Options Regulatory Costs.

ORF Regulatory Revenue is designed to recover a material portion of the Options Regulatory Costs to the Exchange for the supervision and regulation of member organizations' transactions, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Options Regulatory Costs include direct regulatory expenses[10] and certain indirect expenses in support of the regulatory function.[11]

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed increase of the ORF rate is reasonable because of lower-than-expected options volumes at the Exchange have resulted in lower-than-expected ORF Regulatory Revenue. Increasing the ORF rate would increase the ORF Regulatory Revenue, while continuing to ensure that ORF Regulatory Revenue does not exceed a material portion of the Exchange's Options Regulatory Costs. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's Options Regulatory Costs.

The Exchange designed the ORF to generate ORF Regulatory Revenue that would be less than the Exchange's Options Regulatory Costs, thereby ensuring that such revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. This is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above; however, after review of its Options Regulatory Costs and ORF Regulatory Revenue, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent an increase in the ORF rate it may collect ORF Regulatory Revenue that would fall significantly short of its Options Regulatory Costs. Indeed, the Exchange notes that when taking into account options volume, it estimates that the current ORF rate, if left unchanged, may generate ORF Regulatory Revenue that would fall short of the targeted 82% of the Exchange's projected Options Regulatory Costs. As such, the Exchange believes it is reasonable and appropriate to increase the ORF rate from $0.0080 to $0.0090 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory because collecting 82% of Options Regulatory Costs is appropriate and correlates to the degree of regulatory responsibility and Options Regulatory Costs borne by the Exchange with respect to customer transactions. The Exchange's proposal continues to ensure that Options Regulatory Revenue, in combination with other regulatory fees and fines, does not exceed Options Regulatory Costs. Fines collected by the Exchange in connection with a disciplinary matter will continue to offset Options Regulatory Costs. Continuing to cap ORF collected at 82% of Options Regulatory Costs is reasonable, equitable and not unfairly discriminatory as the Options Regulatory Revenue collected will offset the corresponding Options Regulatory Costs associated with on exchange customer transactions. The Exchange will review the ORF Regulatory Revenue and will amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

Finally, deleting obsolete rule text at Options 7, Section 6(D), is a non-substantive change that is designed to keep the Exchange rule book current, and thus make it easier to understand.

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 intra-market competition not necessary or appropriate in furtherance of the purposes of the Act because this collection accounts for customer executions, which will continue to be capped at 82% of Options Regulatory Costs. Furthermore, the Exchange will continue to review its ORF Regulatory Revenue and would amend the ORF if it finds that its ORF Regulatory Revenue exceeds its projections.

The proposed change to the ORF rate does 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.

Finally, deleting obsolete rule text at Options 7, Section 6(D), is a non-substantive change and, therefore, has no impact on competition.

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) of the Act[15] and paragraph (f) of Rule 19b–4[16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

[9] Member organizations were notified of the ORF rate changes for November 1, 2026, via an Options Trader Alert on September 28, 2026. *See* Options Trader Alert #2026–41.

[10] The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations.

[11] The indirect expenses include support from such areas as Office of the General Counsel, technology, finance and internal audit.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–PHLX–2026–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PHLX–2026–69. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PHLX–2026–69 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23092 Filed 11–12–26; 8:45 am]

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106850; File No. SR–NYSETEX–2026–40]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Connectivity Fee Schedule

November 9, 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 October 28, 2026, the NYSE Texas, Inc. (''NYSE Texas'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products (''Included Data Products'').

Currently, the table of Included Data Products in Colocation Note 4 sets forth the market data feeds that Users[4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5]

The Exchange proposes to update the table of Included Data Products to include NYSE Options Select, a data feed that consists of a subset of data from the OPRA consolidated data feed that has been curated by the Exchange's Affiliate SRO NYSE.[6] Given the growing number of options series and the increasing popularity of options trading, the OPRA consolidated data feed is voluminous and requires market participants to dedicate significant amounts of bandwidth to receive it. The NYSE Options Select data feed would provide market participants the ability to view critical NBBO, trade data, and administrative messages from the OPRA data feed without consuming the full OPRA data set, thereby decreasing bandwidth requirements and costs when compared to the full OPRA data feed. Other exchange groups currently offer similar selections of the OPRA data feed, including the Nasdaq Smart Options[7] and Cboe Options Lite[8] data feeds.

To implement the change, the Exchange proposes to update the table

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 at n.6 (November 1, 2019) (SR–NYSECHX–2019–12). As specified in the Connectivity Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC (''NYSE''), NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* 84 FR 58778, *supra* note 4.

[6] The Options Price Reporting Authority (''OPRA'') is a systems information processor that consolidates and disseminates consolidated last sale and quotation information from all approved U.S.-based options exchanges. Current OPRA participants include BOX Options Exchange LLC, Cboe Options Exchange, Cboe C2 Options Exchange, Cboe BZX Options Exchange, Cboe EDGX Options Exchange, MEMX Options, MEMX MX2 Options, MIAX Options, MIAX Pearl, MIAX Emerald, MIAX Sapphire, Nasdaq Options Market, Nasdaq PHLX, Nasdaq ISE, Nasdaq GEMX, Nasdaq Texas Options, Nasdaq MRX, NYSE American, and NYSE Arca. *See https://www.opraplan.com/faqs.* NYSE is a licensed redistributor of the OPRA data feed.

[7] Nasdaq Smart Options is described here: *https://data.nasdaq.com/databases/NSO.*

[8] Cboe Options Lite is described here: *https://www.cboe.com/insights/posts/cboe-options-lite-access-real-time-options-data-with-less-cost-and-complexity.*

of Included Data Products as follows (proposed addition italicized):

NYSE Bonds.
NYSE Options Select.
NYSE Options Select Trades & NBBO.
NYSE Options Select Trades & NBBO Snapshot.
NYSE Texas.
NYSE Texas Aggregated Lite.
NYSE Texas BBO.
NYSE Texas Integrated Feed.
NYSE Texas Order Imbalances.
NYSE Texas Trades

As indicated, the Exchange plans to offer connectivity to two different NYSE Options Select data feeds: NYSE Options Select Trades & NBBO, which includes real-time trades and real-time NBBO updates for all OPRA symbols, and NYSE Options Select Trades & NBBO Snapshot, which includes real-time trades for all OPRA symbols plus an NBBO snapshot at the time of a trade (collectively the ''NYSE Options Select data feeds'').

The Exchange does not charge for connectivity to the Included Data Feeds. Accordingly, it would not charge for connectivity to the NYSE Options Select data feeds.

Application and Impact of the Proposed Changes

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

Implementation

The proposed rule change will become operational when the NYSE Options Select data feeds are available. The Exchange will announce the date through a customer notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

The Proposed Rule Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is reasonable because the change would mean that a User would have the option of adding connectivity to additional market data feeds without paying additional charges.

Adding the NYSE Options Select data feeds to the list of Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished but would not require it to do so. As currently, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

The Proposed Rule Change Is Equitable and Not Unfairly Discriminatory

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory since, as is true now, the proposed change would not apply differently to distinct types or sizes of Users but would apply to all Users equally. Moreover, adding the proposed additional Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. As now, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12]

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Adding the proposed additional Included Data Product would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. In this way, the proposed changes would enhance competition by, as now, enabling a User to determine to which Included Data Products, if any, it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as with the other Included Data Products, it believes it would not be the exclusive method to connect to the NYSE Options Select data feeds. As alternatives to connecting to the NYSE Options Select data feeds as an Included Data Products, a User may connect to the market data feed through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. In addition, a User may choose instead to connect to a similar product offered by another exchange, such as Nasdaq Smart Options or Cboe Options Lite.[13]

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed addition to the description of Included Data Products would make the description more accessible and transparent. In this manner, the proposed change would provide market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks, thereby enhancing competition by ensuring that all Users have access to the same information regarding the Included Data Products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay would allow the Exchange to promptly provide market participants with another choice for obtaining streamlined options data as the Exchange anticipates that the NYSE Options Select data feeds will be ready for launch in fewer than 30 days. The Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change does not present any novel issues and it would provide investors with an additional option for accessing potentially helpful information that could inform their trading decisions as soon as the feeds are available. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSETEX–2026–40 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–NYSETEX–2026–40. 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

[12] 15 U.S.C. 78f(b)(8).

[13] *See supra* notes 7 and 8.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[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 also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSETEX–2026–40 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23095 Filed 11–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106853; File No. SR–NYSEARCA–2026–108]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Connectivity Fee Schedule

November 9, 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 October 28, 2026, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products (''Included Data Products'').

Currently, the table of Included Data Products in Colocation Note 4 sets forth the market data feeds that Users[4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5]

The Exchange proposes to update the table of Included Data Products to include NYSE Options Select, a data feed that consists of a subset of data from the OPRA consolidated data feed that has been curated by the Exchange's Affiliate SRO NYSE.[6] Given the growing number of options series and the increasing popularity of options trading, the OPRA consolidated data feed is voluminous and requires market participants to dedicate significant amounts of bandwidth to receive it. The NYSE Options Select data feed would provide market participants the ability to view critical NBBO, trade data, and administrative messages from the OPRA data feed without consuming the full OPRA data set, thereby decreasing bandwidth requirements and costs when compared to the full OPRA data feed. Other exchange groups currently offer similar selections of the OPRA data feed, including the Nasdaq Smart Options[7] and Cboe Options Lite[8] data feeds.

To implement the change, the Exchange proposes to update the table of Included Data Products as follows (proposed addition italicized):

NYSE Bonds.
NYSE Options Select.
NYSE Options Select Trades & NBBO.
NYSE Options Select Trades & NBBO Snapshot.
NYSE Texas.
NYSE Texas Aggregated Lite.
NYSE Texas BBO.
NYSE Texas Integrated Feed.
NYSE Texas Order Imbalances.
NYSE Texas Trades.

As indicated, the Exchange plans to offer connectivity to two different NYSE Options Select data feeds: NYSE Options Select Trades & NBBO, which includes real-time trades and real-time NBBO updates for all OPRA symbols, and NYSE Options Select Trades & NBBO Snapshot, which includes real-time trades for all OPRA symbols plus an NBBO snapshot at the time of a trade (collectively the ''NYSE Options Select data feeds'').

The Exchange does not charge for connectivity to the Included Data Feeds. Accordingly, it would not charge for connectivity to the NYSE Options Select data feeds.

[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] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEARCA–2015–82). As specified in the Connectivity Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the Exchange's affiliates the New York Stock Exchange LLC (''NYSE''), NYSE American LLC, NYSE National Inc., and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein.

[5] *See* Securities Exchange Act Release No. 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEARCA–2016–172) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule and the NYSE Arca Equities Schedule of Fees and Charges Related to Co-Location Services To Increase LCN and IP Network Fees and Add a Description of Access to Trading and Execution Services and Connectivity to Included Data Products).

[6] The Options Price Reporting Authority (''OPRA'') is a systems information processor that consolidates and disseminates consolidated last sale and quotation information from all approved U.S.-based options exchanges. Current OPRA participants include BOX Options Exchange LLC, Cboe Options Exchange, Cboe C2 Options Exchange, Cboe BZX Options Exchange, Cboe EDGX Options Exchange, MEMX Options, MEMX MX2 Options, MIAX Options, MIAX Pearl, MIAX Emerald, MIAX Sapphire, Nasdaq Options Market, Nasdaq PHLX, Nasdaq ISE, Nasdaq GEMX, Nasdaq Texas Options, Nasdaq MRX, NYSE American, and NYSE Arca. *See https://www.opraplan.com/faqs.* NYSE is a licensed redistributor of the OPRA data feed.

[7] Nasdaq Smart Options is described here: *https://data.nasdaq.com/databases/NSO.*

[8] Cboe Options Lite is described here: *https://www.cboe.com/insights/posts/cboe-options-lite-access-real-time-options-data-with-less-cost-and-complexity.*

Application and Impact of the Proposed Changes

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

Implementation

The proposed rule change will become operational when the NYSE Options Select data feeds are available. The Exchange will announce the date through a customer notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

The Proposed Rule Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is reasonable because the change would mean that a User would have the option of adding connectivity to additional market data feeds without paying additional charges.

Adding the NYSE Options Select data feeds to the list of Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished but would not require it to do so. As currently, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

The Proposed Rule Change Is Equitable and Not Unfairly Discriminatory

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory since, as is true now, the proposed change would not apply differently to distinct types or sizes of Users but would apply to all Users equally. Moreover, adding the proposed additional Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. As now, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12]

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the change would mean that a User would have the option of adding connectivity to an additional

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(8).

market data feed without paying additional charges.

Adding the proposed additional Included Data Product would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. In this way, the proposed changes would enhance competition by, as now, enabling a User to determine to which Included Data Products, if any, it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as with the other Included Data Products, it believes it would not be the exclusive method to connect to the NYSE Options Select data feeds. As alternatives to connecting to the NYSE Options Select data feeds as an Included Data Products, a User may connect to the market data feed through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. In addition, a User may choose instead to connect to a similar product offered by another exchange, such as Nasdaq Smart Options or Cboe Options Lite.[13]

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed addition to the description of Included Data Products would make the description more accessible and transparent. In this manner, the proposed change would provide market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks, thereby enhancing competition by ensuring that all Users have access to the same information regarding the Included Data Products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay would allow the Exchange to promptly provide market participants with another choice for obtaining streamlined options data as the Exchange anticipates that the NYSE Options Select data feeds will be ready for launch in fewer than 30 days. The Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change does not present any novel issues and it would provide investors with an additional option for accessing potentially helpful information that could inform their trading decisions as soon as the feeds are available. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSEARCA–2026–108 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–108. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–108 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23098 Filed 11–12–26; 8:45 am]

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[13] *See supra* notes 7 and 8.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[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 also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106858; File No. SR–CboeEDGX–2026–075]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Description of Cboe Aggregated Market Feed (Cboe One) in Rule 13.8

November 9, 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 November 3, 2026, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''SEC'' or ''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. (''EDGX'' or the ''Exchange'') proposes to amend Rule 13.8(b) [3] to describe the Cboe Aggregated Market (''Cboe One'') Feed by reference to the specific data feeds from which its content is obtained, namely the Multicast Depth feed of the Exchange described in Rule 13.8(a) and the Multicast Depth feeds of its affiliated exchanges and information disseminated by the securities information processors (''SIPs''), and to state that the Cboe One Feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides, consistent with the manner in which other exchanges describe comparable aggregated market data products. 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 Rule 13.8(b), which currently lists the specific data elements and message types in the Cboe One Feed, to instead identify the sources of the Cboe One Feed: (1) the Multicast Depth feed of the Exchange described in Rule 13.8(a) and the Multicast Depth feeds of BZX, BYX, and EDGA (collectively, the ''Multicast Depth Feeds''); and (2) the SIPs. The proposed rule text also states that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, BYX, and EDGA, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. This approach is consistent with the manner in which other exchange groups describe comparable aggregated market data products by identifying their sources rather than specifying message formats or field-level content, as discussed below.

By way of background, the Cboe One Feed is currently offered in two versions, Cboe One Summary and Cboe One Premium, each of which contains information obtained from the Multicast Depth Feeds and from the SIPs.[4] The versions differ only in the quotation information each provides. Cboe One Summary provides the aggregate best bid and offer of all displayed orders, and Cboe One Premium provides aggregated two-sided quotations at multiple price levels, currently up to twelve per side per exchange.[5] Execution information, administrative messages, and consolidated market information are the same in both versions. The current Cboe One Feed includes the following information from the Multicast Depth Feeds: individual last sale information for the Exchange and each of its affiliated exchanges, as well as Symbol Summary, Market Status, Retail Liquidity Identifier, Trading Status, and Trade Break messages. It also includes the following information from the SIPs: consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price for all listed equity securities. The Cboe One Feed also disseminates the following information obtained from the Multicast Depth Feeds: the Cboe One Opening Price and Cboe One Closing Price. For securities listed on BZX, the Cboe One Opening Price is the BZX Official Opening Price as defined in BZX Rule 11.23(a)(5), and the Cboe One Closing Price is the BZX Official Closing Price as defined in BZX Rule 11.23(a)(3). For securities not listed on BZX, the Cboe One Opening Price is the first last sale eligible trade that occurs on the Exchange or any of its affiliated exchanges after 9:30 a.m. Eastern Time, and the Cboe One Closing Price is the final last sale eligible trade to occur on the Exchange or any of its affiliated exchanges prior to 4:00 p.m. Eastern Time. The five price level version of Cboe One Premium is scheduled to be sunset no later than December 31, 2026, and the Exchange announced via Exchange Notice that it will be sunset effective November 2, 2026.[6] As of that date, Cboe One Premium will be offered only with up to twelve aggregated price levels per side per exchange, which have been available since May 4, 2026.

The Exchange has historically amended Rule 13.8(b) by name each time it added a data element to the Cboe One Feed, even where the new data

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 13.8(b).

[4] The Exchange's affiliated equities exchanges are BZX, BYX, and EDGA. *See* Securities Exchange Act Release No. 73918 (December 23, 2014), 79 FR 78920 (December 31, 2014) (File Nos. SR–EDGX–2014–25; SR–EDGA–2014–25; SR–BATS–2014–055; SR–BYX–2014–030) (Notice of Amendments No. 2 and Order Granting Accelerated Approval to Proposed Rule Changes, as Modified by Amendments Nos. 1 and 2, to Establish a New Market Data Product called the Cboe (formerly Bats) One Feed) (''Cboe One Approval Order'').

[5] *See* Securities Exchange Act Release No. 105190 (April 9, 2026), 91 FR 19233 (April 14, 2026) (SR–CboeEDGX–2026–020) (providing twelve price levels per side for the Cboe One Premium data feed).

[6] *See* Cboe Exchange Notice, ''Reminder—Cboe One Equities Sunsets Premium Five Level Feed'' (Reference ID C2026100100), available at Reminder—Cboe One Equities Sunsets Premium Five Level Feed (announcing that the five price level feed of Cboe One Premium will be sunset effective November 2, 2026, and that Cboe One Premium was enhanced to up to twelve price levels per side per exchange as of May 4, 2026).

element fell within a type of information the feed already carried. For example, the Exchange filed a proposed rule change to add the primary listing market's official opening and closing price, obtained directly from the SIPs and disseminated after the applicable SIP delay period,[7] and later filed a separate proposed rule change to add the current day consolidated high and low price, also obtained directly from the SIPs.[8] Each of these filings added a discrete data element obtained from information disseminated by the SIPs, a source already reflected in the feed. The Exchange now proposes to describe the Cboe One Feed by its sources so that the addition of a data element, or a change to an existing data element, obtained from a source identified in Rule 13.8(b) will not require a separate proposed rule change.

As proposed, Rule 13.8(b) would provide that the Cboe One Feed contains information obtained from two sources: the Multicast Depth Feeds and the SIPs. It would further provide that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BZX, BYX, and EDGA, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. The proposed rule text would not specify the number of price levels in Cboe One Premium, itemize categories of information, or define ''consolidated market information.'' Those details describe the current content of the feed, as discussed below. The amended rule would define the Cboe One Feed by the sources from which its content is obtained and by the quotation information each version provides, rather than by a list of individual data elements, message names, prices, or price levels. A recipient would continue to subscribe to either Cboe One Summary or Cboe One Premium.

The proposed rule text deletes from Rule 13.8(b): (i) the itemized list of data elements, including the references to consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price; (ii) the names of individual messages, including the parenthetical attributing the Retail Liquidity Identifier to BYX; (iii) the Depth of Book subparagraph, including the references to five and twelve price levels and the sunset of the five level feed of Cboe One Premium; and (iv) the Cboe One Opening Price and Cboe One Closing Price methodology. In their place, the proposed rule text identifies the Multicast Depth Feeds and the SIPs as the sources of the Cboe One Feed and states that the feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides. The proposed rule change does not change the content of the Cboe One Feed. Each of the deleted items continues to be disseminated through the Cboe One Feed, is described above as part of the current content of the feed, and falls within one of the categories of information described below: quotation information, execution information, administrative messages, and consolidated market information.

Quotation information. Quotation information is obtained from the Multicast Depth Feeds. Cboe One Summary and Cboe One Premium differ only in the quotation information each includes: Cboe One Summary provides the aggregate best bid and offer on the Exchange, BZX, BYX, and EDGA, and Cboe One Premium provides up to twelve aggregated price levels per side per exchange. The five price level version of Cboe One Premium will be sunset effective November 2, 2026, as previously announced.[9] The number of price levels is an operational parameter of an existing data element rather than a distinct category of information, and any change will be announced in advance via Exchange Notice and reflected in the technical specifications.[10] Quotation information also includes the Retail Liquidity Identifier of each of BYX and the Exchange, disseminated pursuant to BYX Rule 11.24(e) and Rule 11.21(e), respectively, and obtained from that exchange's Multicast Depth feed.[11] The Exchange's Retail Liquidity Identifier is currently disseminated through the Cboe One Feed, but Rule 13.8(b) was inadvertently not updated to reflect it. The proposed rule text encompasses both identifiers without naming them, and any new or modified retail liquidity program would be subject to a separate proposed rule change by the applicable exchange.

Execution information. Execution information is limited to executions on the Exchange and its affiliated exchanges, including last sale, trade break, and symbol summary information and the Cboe One Opening Price and Cboe One Closing Price, and is obtained from the Multicast Depth Feeds. The proposed rule change does not change the methodology for the Cboe One Opening Price and Cboe One Closing Price, which, with the details of each other data element, is set forth in the technical specifications.[12]

Administrative messages. Administrative messages are status messages related to the other information in the feed, obtained from the Multicast Depth Feeds or, for status indicators associated with consolidated market information, from the SIPs.

Consolidated market information. Consolidated market information is information obtained from the SIPs, together with associated SIP indicators, such as consolidated volume and consolidated price information, and is disseminated consistent with any delay period applicable under the national market system plan(s) governing consolidated equity market data.[13]

The Exchange will file a proposed rule change with the Commission before disseminating through the Cboe One Feed any information not obtained from the Multicast Depth Feeds or the SIPs, whether exchange data or otherwise.

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

[7] *See* Securities Exchange Act Release No. 89083 (June 15, 2020), 85 FR 37706 (June 23, 2020) (SR–CboeEDGX–2020–029) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 13.8(b) to Identify the Primary Listing Market's Official Opening and Closing Price).

[8] *See* Securities Exchange Act Release No. 92295 (June 30, 2021), 86 FR 35850 (July 7, 2021) (SR–CboeEDGX–2021–029) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 13.8(b) To Identify the Current Day Consolidated High and Low Prices).

[9] *See supra* note 8.

[10] The Exchange notes that the number of price levels is publicly disclosed in the technical specifications and any change is announced in advance via Exchange Notice, so market participants will have advance notice of, and transparency into, the number of price levels available in Cboe One Premium.

[11] *See* Exchange Rule 13.8(b) (providing for the Retail Liquidity Identifier on behalf of BYX); BYX Rule 11.24(e) (Retail Liquidity Identifier); Exchange Rule 11.21(e) (Retail Liquidity Identifier).

[12] *See* Cboe Titanium Cboe One Equities Feed Specification, Version 1.4.16 (October 2, 2026), available at Cboe Titanium Cboe One Equities Feed Specification (describing, among other things, the Opening/Closing Price, Fractional Trade, Fractional Trade Break, Fractional Symbol Summary, and Fractional End of Day Summary messages, including the criteria for last sale eligibility and the timing of the Cboe One Opening Price and Cboe One Closing Price).

[13] The SIPs disseminate consolidated last sale information for NMS stocks pursuant to the national market system plan(s) governing the dissemination of consolidated equity market data, currently the CTA Plan and the UTP Plan, which are expected to be replaced by the CT Plan.

and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] 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) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 11A of the Act [17] in that it supports (1) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (2) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[18] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and not unreasonably discriminatory.

Describing the Cboe One Feed by source promotes transparency and removes impediments to a free and open market because Rule 13.8(b) will accurately identify the sources of the feed: the Multicast Depth Feeds, each of which is itself described in the rules of the applicable exchange, and the SIPs. The Exchange's Multicast Depth feed is described in EDGX Rule 13.8(a). The details of each data element, including the number of price levels in Cboe One Premium and the methodology for the Cboe One Opening Price and the Cboe One Closing Price, are set forth in the publicly available Cboe One Feed technical specifications, so that market participants can readily determine the content and methodology of each data element disseminated through the feed.[19] The approach is also consistent with the manner in which other exchange groups describe comparable products. NYSE has described NYSE BQT as consisting of data elements from the existing BBO and Trades feeds of NYSE and its affiliated exchanges, together with consolidated information obtained directly from the SIPs, and as representing ''aggregated and consolidated information'' of those underlying feeds.[20] Nasdaq has similarly described Nasdaq Last Sale Plus as, in essence, a product that consolidates information from multiple Nasdaq exchanges and the SIPs.[21] Most recently, Nasdaq proposed Nasdaq Basic Plus and Nasdaq TotalView Plus, which offer consolidated top of book and depth of book information from Nasdaq and its affiliated exchanges, and which Nasdaq identified as comparable to Cboe One Summary and Cboe One Premium, respectively.[22]

In addition, because the Cboe One Feed is a single product offered jointly by the Exchange and its affiliated exchanges, the Exchange believes that harmonizing the description of the Cboe One Feed across the rules of the Exchange, BZX, BYX, and EDGA, through substantively identical proposed rule changes filed concurrently by each exchange, promotes transparency and consistency and removes impediments to a free and open market by ensuring that market participants and the public can look to the rules of any of the four exchanges and find the same description of the same product.

Finally, the Exchange notes that the Cboe One Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data product available. Thus, users of the data product may discontinue use of the product at any time and for any reason.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition because the Cboe One Feed will be available to all recipients on the same terms, and the proposal does not amend any fees. The restatement of Rule 13.8(b) by source does not itself change the content of the feed or of either version, and the removal of the specific number of price levels from the rule text does not change the current content of Cboe One Premium, which will continue to be described in the technical specifications and changed only upon advance Exchange Notice. The proposed rule change will not impose any burden on intermarket competition because the Exchange is not the exclusive distributor of the aggregated and consolidated information that comprises the Cboe One Feed. This includes any SIP-based information, which is limited to information that any subscriber to the SIP data feeds could obtain from the SIPs. The Cboe One Feed is an optional product that competes with similar products offered by other exchanges and with the SIPs, and market participants are not required to subscribe to it.[23]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [24] and Rule 19b–4(f)(6) thereunder.[25] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] 15 U.S.C. 78k–1.

[18] 17 CFR 242.603(a).

[19] *See supra* note 14.

[20] *See* Securities Exchange Act Release No. 99591 (February 23, 2024), 89 FR 14915 (February 29, 2024) (SR–NYSE–2024–08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Content of the NYSE Best Quote & Trades Data Feed); Securities Exchange Act Release No. 93000 (September 15, 2021), 86 FR 52505 (September 21, 2021) (SR–NYSE–2021–51); Securities Exchange Act Release No. 87554 (November 15, 2019), 84 FR 64386 (November 21, 2019) (SR–NYSE–2019–61).

[21] *See* Securities Exchange Act Release No. 91241 (March 2, 2021), 86 FR 13427 (March 8, 2021) (SR–NASDAQ–2021–010).

[22] *See* Securities Exchange Act Release No. 105997 (July 28, 2026), 91 FR 48466 (July 31, 2026) (SR–NASDAQ–2026–061) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Introduce Nasdaq TotalView Plus and Nasdaq Basic Plus Data Feeds).

[23] *See supra* notes 22 through 24.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because the proposed rule change restates the description of the Cboe One Feed in Rule 13.8(b) by source and does not change the content of either version of the Cboe One Feed, or any fee applicable to the Cboe One Feed. Furthermore, the proposed rule change does not raise any new or novel issues, as it is consistent with the manner in which other exchanges describe comparable aggregated market data products, as discussed above. For these reasons, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[30]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2026–075 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–2026–075. 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–2026–075 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23103 Filed 11–12–26; 8:45 am]

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[26] 15 U.S.C. 78s(b)(3)(A).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] 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).

[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106852; File No. SR–CboeBZX–2026–091]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Description of Cboe Aggregated Market Feed (Cboe One) in Rule 11.22

November 9, 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 November 3, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''SEC'' or ''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 BZX Exchange, Inc. (''BZX'' or the ''Exchange'') proposes to amend Rule 11.22(j) [3] to describe the Cboe Aggregated Market (''Cboe One'') Feed by reference to the specific data feeds from which its content is obtained, namely the Multicast Depth feed of the Exchange described in Rule 11.22(c) and the Multicast Depth feeds of its affiliated exchanges and information disseminated by the securities information processors (''SIPs''), and to state that the Cboe One Feed is offered in two versions, Cboe One Summary and Cboe One Premium, which differ in the quotation information each provides, consistent with the manner in which other exchanges describe comparable aggregated market data products. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 11.22(j).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22(j), which currently lists the specific data elements and message types in the Cboe One Feed, to instead identify the sources of the Cboe One Feed: (1) the Multicast Depth feed of the Exchange described in Rule 11.22(c) and the Multicast Depth feeds of BYX, EDGA, and EDGX (collectively, the ''Multicast Depth Feeds''); and (2) the SIPs. The proposed rule text also states that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BYX, EDGA, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. This approach is consistent with the manner in which other exchange groups describe comparable aggregated market data products by identifying their sources rather than specifying message formats or field-level content, as discussed below.

By way of background, the Cboe One Feed is currently offered in two versions, Cboe One Summary and Cboe One Premium, each of which contains information obtained from the Multicast Depth Feeds and from the SIPs.[4] The versions differ only in the quotation information each provides. Cboe One Summary provides the aggregate best bid and offer of all displayed orders, and Cboe One Premium provides aggregated two-sided quotations at multiple price levels, currently up to twelve per side per exchange.[5] Execution information, administrative messages, and consolidated market information are the same in both versions. The current Cboe One Feed includes the following information from the Multicast Depth Feeds: individual last sale information for the Exchange and each of its affiliated exchanges, as well as Symbol Summary, Market Status, Retail Liquidity Identifier, Trading Status, and Trade Break messages. It also includes the following information from the SIPs: consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price for all listed equity securities. The Cboe One Feed also disseminates the following information obtained from the Multicast Depth Feeds: the Cboe One Opening Price and Cboe One Closing Price. For BZX Listed securities, the Cboe One Opening Price is the BZX Official Opening Price as defined in Rule 11.23(a)(5), and the Cboe One Closing Price is the BZX Official Closing Price as defined in Rule 11.23(a)(3). For securities not listed on the Exchange, the Cboe One Opening Price is the first last sale eligible trade that occurs on the Exchange or any of its affiliated exchanges after 9:30 a.m. Eastern Time, and the Cboe One Closing Price is the final last sale eligible trade to occur on the Exchange or any of its affiliated exchanges prior to 4:00 p.m. Eastern Time. The five price level version of Cboe One Premium is scheduled to be sunset no later than December 31, 2026, and the Exchange announced via Exchange Notice that it will be sunset effective November 2, 2026.[6] As of that date, Cboe One Premium will be offered only with up to twelve aggregated price levels per side per exchange, which have been available since May 4, 2026.

The Exchange has historically amended Rule 11.22(j) by name each time it added a data element to the Cboe One Feed, even where the new data element fell within a type of information the feed already carried. For example, the Exchange filed a proposed rule change to add the primary listing market's official opening and closing price, obtained directly from the SIPs and disseminated after the applicable SIP delay period,[7] and later filed a separate proposed rule change to add the current day consolidated high and low price, also obtained directly from the SIPs.[8] Each of these filings added a discrete data element obtained from information disseminated by the SIPs, a source already reflected in the feed. The Exchange now proposes to describe the Cboe One Feed by its sources so that the addition of a data element, or a change to an existing data element, obtained from a source identified in Rule 11.22(j) will not require a separate proposed rule change.

As proposed, Rule 11.22(j) would provide that the Cboe One Feed contains information obtained from two sources: the Multicast Depth Feeds and the SIPs. It would further provide that the Cboe One Feed is offered in two versions, which differ in the quotation information each provides: Cboe One Summary provides the aggregate best bid and offer of all displayed orders on the Exchange, BYX, EDGA, and EDGX, and Cboe One Premium provides aggregated two-sided quotations for displayed orders on each such exchange at multiple price levels. The proposed rule text would not specify the number of price levels in Cboe One Premium, itemize categories of information, or define ''consolidated market information.'' Those details describe the current content of the feed, as discussed below. The amended rule would define the Cboe One Feed by the sources from which its content is obtained and by the quotation information each version provides, rather than by a list of individual data elements, message names, prices, or price levels. A recipient would continue to subscribe to either Cboe One Summary or Cboe One Premium.

The proposed rule text deletes from Rule 11.22(j): (i) the itemized list of data elements, including the references to consolidated volume, the primary listing market's official opening and closing price, and the current day consolidated high and low price; (ii) the names of individual messages, including the parenthetical attributing the Retail Liquidity Identifier to BYX; (iii) the references to five and twelve price levels and the sunset of the five level feed of Cboe One Premium; and (iv) the Cboe One Opening Price and Cboe One Closing Price methodology. In their place, the proposed rule text identifies the Multicast Depth Feeds and the SIPs as the sources of the Cboe One Feed and states that the feed is offered in two versions, Cboe One Summary

[4] The Exchange's affiliated equities exchanges are BYX, EDGA, and EDGX. *See* Securities Exchange Act Release No. 73918 (December 23, 2014), 79 FR 78920 (December 31, 2014) (File Nos. SR–EDGX–2014–25; SR–EDGA–2014–25; SR–BATS–2014–055; SR–BYX–2014–030) (Notice of Amendments No. 2 and Order Granting Accelerated Approval to Proposed Rule Changes, as Modified by Amendments Nos. 1 and 2, to Establish a New Market Data Product called the Cboe (formerly Bats) One Feed) (''Cboe One Approval Order'').

[5] *See* Securities Exchange Act Release No. 105189 (April 9, 2026), 91 FR 19242 (April 14, 2026) (SR–CboeBZX–2026–025) (providing twelve price levels per side for the Cboe One Premium data feed).

[6] *See* Cboe Exchange Notice, ''Reminder—Cboe One Equities Sunsets Premium Five Level Feed'' (Reference ID C2026100100), available at Reminder—Cboe One Equities Sunsets Premium Five Level Feed (announcing that the five price level feed of Cboe One Premium will be sunset effective November 2, 2026, and that Cboe One Premium was enhanced to up to twelve price levels per side per exchange as of May 4, 2026).

[7] *See* Securities Exchange Act Release No. 89126 (June 10, 2020), 85 FR 38958 (June 29, 2020) (SR–CboeBZX–2020–050) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 11.22(j) to Identify the Primary Listing Market's Official Opening and Closing Price).

[8] *See* Securities Exchange Act Release No. 92294 (June 17, 2021), 86 FR 35847 (July 7, 2021) (SR–CboeBZX–2021–046) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Content of the Cboe One Feed Under Rule 11.22(j) To Identify the Current Day Consolidated High and Low Prices).

and Cboe One Premium, which differ in the quotation information each provides. The proposed rule change does not change the content of the Cboe One Feed. Each of the deleted items continues to be disseminated through the Cboe One Feed, is described above as part of the current content of the feed, and falls within one of the categories of information described below: quotation information, execution information, administrative messages, and consolidated market information.

Quotation information. Quotation information is obtained from the Multicast Depth Feeds. Cboe One Summary and Cboe One Premium differ only in the quotation information each includes: Cboe One Summary provides the aggregate best bid and offer on the Exchange, BYX, EDGA, and EDGX, and Cboe One Premium provides up to twelve aggregated price levels per side per exchange. The five price level version of Cboe One Premium will be sunset effective November 2, 2026, as previously announced.[9] The number of price levels is an operational parameter of an existing data element rather than a distinct category of information, and any change will be announced in advance via Exchange Notice and reflected in the technical specifications.[10] Quotation information also includes the Retail Liquidity Identifier of each of BYX and EDGX, disseminated pursuant to BYX Rule 11.24(e) and EDGX Rule 11.21(e), respectively, and obtained from that exchange's Multicast Depth feed.[11] The EDGX Retail Liquidity Identifier is currently disseminated through the Cboe One Feed, but Rule 11.22(j) was inadvertently not updated to reflect it. The proposed rule text encompasses both identifiers without naming them, and any new or modified retail liquidity program would be subject to a separate proposed rule change by the applicable exchange.

Execution information. Execution information is limited to executions on the Exchange and its affiliated exchanges, including last sale, trade break, and symbol summary information and the Cboe One Opening Price and Cboe One Closing Price, and is obtained from the Multicast Depth Feeds. The proposed rule change does not change the methodology for the Cboe One Opening Price and Cboe One Closing Price, which, with the details of each other data element, is set forth in the technical specifications.[12]

Administrative messages. Administrative messages are status messages related to the other information in the feed, obtained from the Multicast Depth Feeds or, for status indicators associated with consolidated market information, from the SIPs.

Consolidated market information. Consolidated market information is information obtained from the SIPs, together with associated SIP indicators, such as consolidated volume and consolidated price information, and is disseminated consistent with any delay period applicable under the national market system plan(s) governing consolidated equity market data.[13]

The Exchange will file a proposed rule change with the Commission before disseminating through the Cboe One Feed any information not obtained from the Multicast Depth Feeds or the SIPs, whether exchange data or otherwise.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] 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) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 11A of the Act [17] in that it supports (1) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (2) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[18] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and not unreasonably discriminatory.

Describing the Cboe One Feed by source promotes transparency and removes impediments to a free and open market because Rule 11.22(j) will accurately identify the sources of the feed: the Multicast Depth Feeds, each of which is itself described in the rules of the applicable exchange, and the SIPs. The Exchange's Multicast Depth feed is described in BZX Rule 11.22(c). The details of each data element, including the number of price levels in Cboe One Premium and the methodology for the Cboe One Opening Price and the Cboe One Closing Price, are set forth in the publicly available Cboe One Feed technical specifications, so that market participants can readily determine the content and methodology of each data element disseminated through the feed.[19] The approach is also consistent with the manner in which other exchange groups describe comparable products. NYSE has described NYSE BQT as consisting of data elements from the existing BBO and Trades feeds of NYSE and its affiliated exchanges, together with consolidated information obtained directly from the SIPs, and as representing ''aggregated and consolidated information'' of those underlying feeds.[20] Nasdaq has

[9] *See supra* note 8.

[10] The Exchange notes that the number of price levels is publicly disclosed in the technical specifications and any change is announced in advance via Exchange Notice, so market participants will have advance notice of, and transparency into, the number of price levels available in Cboe One Premium.

[11] *See* Exchange Rule 11.22(j) (providing for the Retail Liquidity Identifier on behalf of BYX); BYX Rule 11.24(e) (Retail Liquidity Identifier); EDGX Rule 11.21(e) (Retail Liquidity Identifier).

[12] *See* Cboe Titanium Cboe One Equities Feed Specification, Version 1.4.16 (October 2, 2026), available at Cboe Titanium Cboe One Equities Feed Specification (describing, among other things, the Opening/Closing Price, Fractional Trade, Fractional Trade Break, Fractional Symbol Summary, and Fractional End of Day Summary messages, including the criteria for last sale eligibility and the timing of the Cboe One Opening Price and Cboe One Closing Price).

[13] The SIPs disseminate consolidated last sale information for NMS stocks pursuant to the national market system plan(s) governing the dissemination of consolidated equity market data, currently the CTA Plan and the UTP Plan, which are expected to be replaced by the CT Plan.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] 15 U.S.C. 78k–1.

[18] 17 CFR 242.603(a).

[19] *See supra* note 14.

[20] *See* Securities Exchange Act Release No. 99591 (February 23, 2024), 89 FR 14915 (February 29, 2024) (SR–NYSE–2024–08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Content of the NYSE Best Quote & Trades Data Feed); Securities Exchange Act Release No. 93000 (September 15, 2021), 86 FR 52505

similarly described Nasdaq Last Sale Plus as, in essence, a product that consolidates information from multiple Nasdaq exchanges and the SIPs.[21] Most recently, Nasdaq proposed Nasdaq Basic Plus and Nasdaq TotalView Plus, which offer consolidated top of book and depth of book information from Nasdaq and its affiliated exchanges, and which Nasdaq identified as comparable to Cboe One Summary and Cboe One Premium, respectively.[22]

In addition, because the Cboe One Feed is a single product offered jointly by the Exchange and its affiliated exchanges, the Exchange believes that harmonizing the description of the Cboe One Feed across the rules of the Exchange, BYX, EDGA, and EDGX, through substantively identical proposed rule changes filed concurrently by each exchange, promotes transparency and consistency and removes impediments to a free and open market by ensuring that market participants and the public can look to the rules of any of the four exchanges and find the same description of the same product.

Finally, the Exchange notes that the Cboe One Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data product available. Thus, users of the data product may discontinue use of the product at any time and for any reason.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition because the Cboe One Feed will be available to all recipients on the same terms, and the proposal does not amend any fees. The restatement of Rule 11.22(j) by source does not itself change the content of the feed or of either version, and the removal of the specific number of price levels from the rule text does not change the current content of Cboe One Premium, which will continue to be described in the technical specifications and changed only upon advance Exchange Notice. The proposed rule change will not impose any burden on intermarket competition because the Exchange is not the exclusive distributor of the aggregated and consolidated information that comprises the Cboe One Feed. This includes any SIP-based information, which is limited to information that any subscriber to the SIP data feeds could obtain from the SIPs. The Cboe One Feed is an optional product that competes with similar products offered by other exchanges and with the SIPs, and market participants are not required to subscribe to it.[23]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and Rule 19b–4(f)(6) thereunder.[25] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6)[28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because the proposed rule change restates the description of the Cboe One Feed in Rule 11.22(j) by source and does not change the content of either version of the Cboe One Feed, or any fee applicable to the Cboe One Feed. Furthermore, the proposed rule change does not raise any new or novel issues, as it is consistent with the manner in which other exchanges describe comparable aggregated market data products, as discussed above. For these reasons, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[30]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)[31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2026–091 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

(September 21, 2021) (SR–NYSE–2021–51); Securities Exchange Act Release No. 87554 (November 15, 2019), 84 FR 64386 (November 21, 2019) (SR–NYSE–2019–61).

[21] *See* Securities Exchange Act Release No. 91241 (March 2, 2021), 86 FR 13427 (March 8, 2021) (SR–NASDAQ–2021–010).

[22] *See* Securities Exchange Act Release No. 105997 (July 28, 2026), 91 FR 48466 (July 31, 2026) (SR–NASDAQ–2026–061) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Introduce Nasdaq TotalView Plus and Nasdaq Basic Plus Data Feeds).

[23] *See supra* notes 22 through 24.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] 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).

[31] 15 U.S.C. 78s(b)(2)(B).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2026–091. 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–CboeBZX–2026–091 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23097 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106851; File No. SR–NYSE–2026–53]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Connectivity Fee Schedule

November 9, 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 October 28, 2026, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Connectivity Fee Schedule regarding colocation services and fees to update the list of included data products (''Included Data Products'').

Currently, the table of Included Data Products in Colocation Note 4 sets forth the market data feeds that Users[4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5]

The Exchange proposes to update the table of Included Data Products to include NYSE Options Select, a data feed that consists of a subset of data from the OPRA consolidated data feed that has been curated by the Exchange.[6] Given the growing number of options series and the increasing popularity of options trading, the OPRA consolidated data feed is voluminous and requires market participants to dedicate significant amounts of bandwidth to receive it. The NYSE Options Select data feed would provide market participants the ability to view critical NBBO, trade data, and administrative messages from the OPRA data feed without consuming the full OPRA data set, thereby decreasing bandwidth requirements and costs when compared to the full OPRA data feed. Other exchange groups currently offer similar selections of the OPRA data feed, including the Nasdaq Smart Options[7] and Cboe Options Lite[8] data feeds.

To implement the change, the Exchange proposes to update the table of Included Data Products as follows (proposed addition italicized):

NYSE Bonds.
NYSE Options Select.
NYSE Options Select Trades & NBBO.
NYSE Options Select Trades & NBBO Snapshot.
NYSE Texas.
NYSE Texas Aggregated Lite.
NYSE Texas BBO.
NYSE Texas Integrated Feed.
NYSE Texas Order Imbalances.
NYSE Texas Trades.

As indicated, the Exchange plans to offer connectivity to two different NYSE Options Select data feeds: NYSE Options Select Trades & NBBO, which includes real-time trades and real-time NBBO updates for all OPRA symbols, and NYSE Options Select Trades & NBBO Snapshot, which includes real-time trades for all OPRA symbols plus an NBBO snapshot at the time of a trade (collectively the ''NYSE Options Select data feeds'').

[32] 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] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). As specified in the Connectivity Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the Exchange's affiliates NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein.

[5] *See* Securities Exchange Act Release No. 79730 (January 4, 2017), 82 FR 3045 (January 10, 2017) (SR–NYSE–2016–92) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Exchange's Price List Related to Colocation Services To Increase LCN and IP Network Fees and Add a Description of Access To Trading and Execution Services and Connectivity to Included Data Products).

[6] The Options Price Reporting Authority (''OPRA'') is a systems information processor that consolidates and disseminates consolidated last sale and quotation information from all approved U.S.-based options exchanges. Current OPRA participants include BOX Options Exchange LLC, Cboe Options Exchange, Cboe C2 Options Exchange, Cboe BZX Options Exchange, Cboe EDGX Options Exchange, MEMX Options, MEMX MX2 Options, MIAX Options, MIAX Pearl, MIAX Emerald, MIAX Sapphire, Nasdaq Options Market, Nasdaq PHLX, Nasdaq ISE, Nasdaq GEMX, Nasdaq Texas Options, Nasdaq MRX, NYSE American, and NYSE Arca. *See https://www.opraplan.com/faqs.* NYSE is a licensed redistributor of the OPRA data feed.

[7] Nasdaq Smart Options is described here: *https://data.nasdaq.com/databases/NSO.*

[8] Cboe Options Lite is described here: *https://www.cboe.com/insights/posts/cboe-options-lite-access-real-time-options-data-with-less-cost-and-complexity.*

The Exchange does not charge for connectivity to the Included Data Feeds. Accordingly, it would not charge for connectivity to the NYSE Options Select data feeds.

Application and Impact of the Proposed Changes

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

Implementation

The proposed rule change will become operational when the NYSE Options Select data feeds are available. The Exchange will announce the date through a customer notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

The Proposed Rule Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is reasonable because the change would mean that a User would have the option of adding connectivity to additional market data feeds without paying additional charges.

Adding the NYSE Options Select data feeds to the list of Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished but would not require it to do so. As currently, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

The Proposed Rule Change Is Equitable and Not Unfairly Discriminatory

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid for the relevant LCN or IP network access. Accordingly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory since, as is true now, the proposed change would not apply differently to distinct types or sizes of Users but would apply to all Users equally. Moreover, adding the proposed additional Included Data Products would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. As now, a User would be able to determine which Included Data Products, if any, to which it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory, as it would ensure that the description of Included Data Products was complete, ensuring that it is accessible and transparent, and providing market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12]

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because adding the NYSE Options Select data feeds would increase the number of Included Data Products available to Users for no additional charge. All Users that voluntarily select to access the LCN or IP network would not be subject to a charge above and beyond the fee paid

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(8).

for the relevant LCN or IP network access. Accordingly, the change would mean that a User would have the option of adding connectivity to an additional market data feed without paying additional charges.

Adding the proposed additional Included Data Product would allow a User to connect to the NYSE Options Select data feeds if it wished, but would not require it to do so. In this way, the proposed changes would enhance competition by, as now, enabling a User to determine to which Included Data Products, if any, it connects, based on what would best serve its needs, tailoring the service to the requirements of its business operations.

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as with the other Included Data Products, it believes it would not be the exclusive method to connect to the NYSE Options Select data feeds. As alternatives to connecting to the NYSE Options Select data feeds as an Included Data Products, a User may connect to the market data feed through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. In addition, a User may choose instead to connect to a similar product offered by another exchange, such as Nasdaq Smart Options or Cboe Options Lite.[13] By adding the NYSE Options Select data feeds, the proposed change would ensure that the list of Included Data Products was up to date. Accordingly, the Exchange believes that the proposed addition to the description of Included Data Products would make the description more accessible and transparent. In this manner, the proposed change would provide market participants with clarity as to what connectivity is included in the purchase of access to the LCN and IP networks, thereby enhancing competition by ensuring that all Users have access to the same information regarding the Included Data Products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[13] *See supra* notes 7 and 8.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay would allow the Exchange to promptly provide market participants with another choice for obtaining streamlined options data as the Exchange anticipates that the NYSE Options Select data feeds will be ready for launch in fewer than 30 days. The Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change does not present any novel issues and it would provide investors with an additional option for accessing potentially helpful information that could inform their trading decisions as soon as the feeds are available. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[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 also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSE–2026–53 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2026–53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–53 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23096 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106863; File No. SR–ISE–2026–42]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend the Criteria for Underlying Securities

November 10, 2026.

I. Introduction

On July 28, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt listing criteria for options on Commodity-Based Trust Shares[3] that hold one or more digital commodities. The proposed rule change was published for comment in the **Federal Register** on August 13, 2026.[4] The Commission received no comments regarding the proposed rule change.

On September 21, 2026, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On November 3, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. On November 5, 2026, the Exchange withdrew Amendment No. 1 and submitted Amendment No. 2 to the proposal, which replaces and supersedes the original filing in its entirety.[7] The Commission is publishing this notice and order to solicit comment on Amendment No. 2 in Sections II and III below, which sections are being published verbatim as filed by the Exchange, and to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 4, Section 3, Criteria for Underlying Securities, to adopt listing criteria for options on Commodity-Based Trust Shares[8] that hold one or more digital commodities. This Amendment No. 2 replaces and supersedes the original filing in its entirety. Amendment No. 2 cites the definition of ''digital commodity'' in The Nasdaq Stock Market LLC (''Nasdaq'') Rule 5711(d)(iii)(D), adds a representation that the Exchange will file to conform that definition to any statutory definition that is enacted, and clarifies that derivatives held by the Trust are calculated based on gross notional value for purposes of the 15% limitation.[9] Amendment No. 2 adds discussion of the continued listing requirements applicable to Commodity-Based Trust Shares and options thereon, the Exchange's ability to obtain information directly from Nasdaq for purposes of investigating a suspected manipulation or other trading abuse involving options on Commodity-Based Trust Shares, and the trading rules, surveillance procedures, and systems capacity that will apply to the proposed options.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

III. 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 listing rules at ISE Options 4, Section 3, Criteria for Underlying Securities. Specifically, the Exchange proposes to amend the criteria for listing options on Exchange-Traded Fund Shares (''ETFs'') at Options 4, Section 3(h).

Background

Currently, Options 4, Section 3(h)(vi) specifies that ISE may list and trade options on shares or other securities that represent interests in a Commodity-Based Trust that meet the generic criteria of Nasdaq Rule 5711(d)[10]

[20] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For the definition of a ''Commodity-Based Trust Share'' *see infra* note 8. *See* Nasdaq Stock Market LLC (''Nasdaq'') Rule 5711(d)(iii)(A).

[4] *See* Securities Exchange Act Release No. 106067 (Aug. 10, 2026), 91 FR 52387.

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 106448, 91 FR 60669 (Sept. 24, 2026). The Commission designated November 11, 2026, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] Amendment No. 2 revises the proposal to: (1) represent that the Exchange will submit a proposed rule change to modify its definition of ''digital commodity'' if legislation is enacted that defines ''digital commodity'' or a substantially similar term; (2) state that, for purposes of calculating the 15% limitation in proposed Options 4, Section 3(h)(3)(B), any derivatives held by a Trust will be calculated based on their gross notional value; (3) state that it is unlikely that an attempt to manipulate 15% of the assets of a Trust would affect the net asset value (''NAV'') of the Trust or the price of the proposed options; (4) state that the Exchange would be able to obtain information from Nasdaq regarding Commodity-Based Trust Shares for purposes of investigating a suspected manipulation or other trading abuse involving options on Commodity-Based Trust Shares; (5) describe the continued listing requirements for the proposed options; (6) describe the surveillance procedures and trading rules that would apply to the proposed options; (7) represent that the Exchange and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic that would be associated with listing the proposed options; and (8) corrects a grammatical error in the text of the proposed rule. Amendment No. 2 is available on the Commission's website at: *https://www.sec.gov/rules-regulations/public-comments/sr-ise-2026-42.* For the definition of a ''Trust,'' *see infra* note 8.

[8] The term ''Commodity-Based Trust Shares'' means a security that: (1) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (2) that, consistent with the Trust's investment objective and policies, holds (a) one or more commodities or commodity-based assets as defined in Rule 5711(d)(iii)(C) and (b) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (3) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (a) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share; and (4) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (a) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share. *See* The Nasdaq Stock Market LLC (''Nasdaq'') Rule 5711(d)(iii)(A).

[9] *See* Nasdaq Rule 5711(d)(iv)(C).

[10] Pursuant to Nasdaq Rule 5711(d), Nasdaq will consider for trading, whether by listing or pursuant to unlisted trading privileges, Commodity-Based Trust Shares that meet the criteria of Rule 5711(d). Nasdaq may list and/or trade Commodity-Based Trust Shares pursuant to Rule 19b–4(e) under the Act or may submit a rule filing pursuant to Section 19(b) of the Act to permit the listing and trading of Commodity-Based Trust Shares that do not meet the standards set forth in Rule 5711(d) on an initial or a continuing basis. All statements or representations contained in such rule filing regarding: (1) the description of the index, trust holdings, or reference assets, (2) limitations on the index, trust holdings, or reference assets, (3) dissemination and availability of the index, trust holdings, reference assets or Intraday Indicative

Continued

provided the Trust holds a single crypto asset or multiple crypto assets.[11] Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG'').[12]

Proposal

In light of the recent approval of a rule change by Nasdaq (''SR–NASDAQ–2026–032'' or ''CBT Proposal'') [13] that modified the generic listing standards for Commodity-Based Trust Shares at Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4, Section 3(h)(3) to align this options rule with the rule text adopted in SR–NASDAQ–2026–032, which will permit the Exchange to list options on Commodity-Based Trust Shares that meet the revised listing standards of Nasdaq Rule 5711(d).

Digital Commodity vs. Crypto Asset

First, the Exchange proposes to amend Options 4, Section 3(h) to replace the term ''crypto asset'' with the term ''digital commodity.''

The term ''crypto asset'' is defined at Options 4, Section 3(h) to mean an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that relies on cryptographic protocols.

The term ''digital commodity'' is defined at Nasdaq Rule 5711(d)(iii)(D) to mean a commodity that is a digital asset and is intrinsically linked to and derives its value from the programmatic operation of a functional crypto system, as well as supply and demand dynamics, rather than from the expectation of profits from the essential managerial efforts of others.

This proposal is intended to align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on Commodity-Based Trust Shares. The proposed definition of ''digital commodity'' is informed by the joint interpretative guidance issued by the SEC and the Commodity Futures Trading Commission (''CFTC''), effective March 23, 2026.[14] The Exchange represents that to the extent legislation is enacted defining ''digital commodity'' or a substantially similar term, the Exchange will submit a rule filing to conform the definition in Options 4, Section 3(h) to the statutory definition.

As defined, the term ''crypto asset'' captures anything that (1) is generated, issued, or transferred on a blockchain or similar Distributed Ledger Technology (''DLT'') network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive (''including but not limited to'' tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. In contrast, the term ''digital commodity,'' as proposed, is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity.

The Exchange believes that aligning the terminology associated with the generic listing standards for options on Commodity-Based Trust Shares at Options 4, Section 3(h)(vi) with the generic listing standards for Commodity-Based Trust Shares in Nasdaq Rule 5711(d) will allow the Exchange to list options on Commodity-Based Trust Shares that Nasdaq may list pursuant to Nasdaq Rule 5711(d) as amended by the CBT Proposal.

Comprehensive Surveillance Sharing Agreement

Second, to more closely align the listing of options on Commodity-Based Trust Shares pursuant to Options 4, Section 3(h)(vi) with the listing of Commodity-Based Trust Shares that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4, Section 3(h)(3)(B) to require that each digital commodity held by the Commodity-Based Trust underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, except that up to 15% of the net asset value (''NAV'') of the Commodity-Based Trust's holdings in the aggregate may consist of digital commodities that do not meet this requirement. As noted above, today, each crypto asset held by the Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

The CBT Proposal amended Nasdaq Rule 5711(d) to allow up to 15% of the NAV of a Commodity-Based Trust's holdings in the aggregate to consist of certain assets that do not meet the generic listing standards eligibility criteria in subparagraphs (A) [15] and (B) [16] of Nasdaq Rule 5711(d)(iv). Specifically, new subparagraph (C) of Nasdaq Rule 5711(d)(iv) provides that notwithstanding the eligibility requirements in Nasdaq Rule 5711(d)(iv)(A) and (B), up to 15% of the

Values or (4) the applicability of Nasdaq listing rules specified in such rule filing will constitute continued listing requirements. An issuer of such securities must notify Nasdaq of any failure to comply with such continued listing requirements. If Commodity-Based Trust Shares do not satisfy these requirements, Nasdaq may suspend trading in the Trust shares and will initiate delisting proceedings under the Rule 5800 Series. *See* Nasdaq Rule 5711(d).

[11] The term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that rely on cryptographic protocols. *See* Options 4, Section 3(h)(3).

[12] *See* Options 4, Section 3(h)(3).

[13] *See* Securities Exchange Act Release No. 105995 (July 27, 2026), 91 FR 48204 (July 30, 2026) (SR–NASDAQ–2026–032) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Nasdaq Rule 5711(d)). That proposal allowed for a buffer of up to 15% of the net asset value of the Commodity-Based Trust's holdings to consist of certain assets that do not meet the eligibility criteria under the generic listing standards; added a definition for digital commodity (as defined below); and allowed for actively managed strategies.

[14] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[15] Subparagraph (A) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for commodity and commodity-based asset holdings of Commodity-Based Trust Shares. Specifically, each commodity or commodity that underlies a commodity-based asset held by the Trust must fall into at least one of the following categories in subparagraph (A): (1) the commodity trades on a market that is an ISG member; provided that Nasdaq may obtain information about trading in such commodity from the ISG member; or (2) the commodity underlies a futures contract that has been made available to trade on a designated contract market for at least six months; provided that Nasdaq has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, with such designated contract market; or (3) on an initial basis only, an exchange-traded fund (''ETF'') designed to provide economic exposure of no less than 40% of its NAV to the commodity lists and trades on a national securities exchange.

[16] Subparagraph (B) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for the Trust's security holdings. Specifically, if the Trust holds any securities, each security held by the Trust would need to meet the criteria of Nasdaq Rule 5735 (Managed Fund Shares), Sections (b)(1)(A), (B), or if the security is a listed option, trades on an ISG market.

NAV of the Commodity-Based Trust's holdings in the aggregate may consist of (i) digital commodities that do not meet the criteria in subparagraph (A) of Nasdaq Rule 5711(d)(iv), or (ii) securities that do not meet the criteria in subparagraph (B) of Nasdaq Rule 5711(d)(iv). For purposes of calculating the 15% limitation, any derivatives held by the Trust will be calculated based on their gross notional value.[17]

The proposed amendment will permit the Exchange to list options on Commodity-Based Trust Shares that meet the criteria in Nasdaq Rule 5711(d) provided these options satisfy the conditions in proposed Options 4, Section 3(h)(3). Currently, Options 4, Section 3(h)(3)(A) requires that to list options on Commodity-Based Trust Shares pursuant to Options 4, Section 3(h)(vi), the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust must have an average daily market value of at least $700 million over the last 12 months. Options 4, Section 3(h)(3)(A), as proposed, will require that the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust have an average daily market value of at least $700 million over the last 12 months in addition to the proposed requirement in Options 4, Section 3(h)(3)(B). Proposed Options 4, Section 3(h)(3) would state,

> Additionally, with respect to a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi), the following requirements are satisfied: (A) the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each digital commodity held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group, except that up to 15% of the NAV of the Commodity-Based Trust's holdings in the aggregate may consist of digital commodities that do not meet this requirement.

Having adequate liquidity in the Trust's constituent digital commodities ensures that the creation and redemption process for Trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the Trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the Trust shares closely tethered to the Trust's net asset value. A tight NAV-to-share price relationship, in turn, produces reliable pricing inputs for options overlying the Trust shares, directly protecting options investors from the risk of trading options whose reference prices (the price of the Trust's shares) have become disconnected from fundamental value. Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a good measure of liquidity to prevent the addition of options trading on the Commodity-Based Trust Shares from disrupting the market for the underlying security. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust's holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the Trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on shares of the Trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the Trust's commodity holdings, even where the surveillance requirement may apply to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the Trust's holdings not covered by surveillance sharing agreements would constitute a small fraction of the Trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the Trust and, consequently, the price of the options. Accordingly, the Exchange believes that it is unlikely that an attempt to manipulate up to 15% of the assets held by the Commodity-Based Trust would affect the NAV of the Commodity-Based Trust or the price of the proposed options. The multi-asset structure of the Trust dilutes any single constituent's influence across the broader Trust portfolio, providing an additional investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts.

In addition, Commodity-Based Trust Shares are subject to ongoing listing requirements at Nasdaq Rule 5711(d), including transparency obligations regarding the Trust's holdings at Nasdaq Rule 5711(d)(v) and Nasdaq Rule 5711(d)(vii), as well as the continued listing requirements at Nasdaq Rule 5711(d)(viii)(B). An issuer of Commodity-Based Trust Shares must notify Nasdaq of any failure to comply with the continued listing requirements as specified in Commentary .03 to Nasdaq Rule 5711(d). These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the Trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation. Additionally, the options on the Commodity-Based Trust Shares are subject to initial listing requirements at Options 4, Section 3(h)(3) and to the continued listing requirements in Options 4, Section 4(g).[18]

Finally, the Exchange will continue to require each underlying digital

[17] *See* Nasdaq Rule 5711(d)(iv)(C).

[18] Exchange-Traded Fund Shares (including Commodity-Based Trust Shares) listed for options trading pursuant to Options 4, Section 3(h) will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Exchange-Traded Fund Shares if the Exchange-Traded Fund Shares are delisted from trading because they cease to be an ''NMS stock'' as defined in Rule 600 of Regulation NMS under the Exchange Act or if the ETF's shares are halted or suspended from trading on their primary market. *See* Options 4, Section 4(g). In addition, the Exchange shall consider the suspension of opening transactions in any series of options of the class covering Commodity-Based Trust Shares, if the criteria in Options 4, Section 3(h)(3)(A) are no longer satisfied, as determined by the Exchange on a monthly basis, or if the criteria in Options 4, Section 3(h)(3)(B) are no longer satisfied. *See* Options 4, Section 4(g)(3). Further, the Exchange shall consider the suspension of opening transactions in any series of options of the class covering Commodity-Based Trust Shares when such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable. *See* Options 4, Section 4(g)(5).

commodity to have a requisite amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trust Shares. Further, ISE could obtain information directly from Nasdaq regarding a Commodity-Based Trust Share for purposes of investigating a suspected manipulation or other trading abuse involving options on Commodity-Based Trust Shares.

Options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi) would trade in the same manner as options on other ETFs on the Exchange. The Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures would apply to the listing and trading of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi) in the same manner.

The Exchange represents that the same surveillance procedures applicable to all other options on other ETFs currently listed and traded on the Exchange will apply to the trading of options on Commodity-Based Trust Shares that are listed pursuant to proposed Options 4, Section 3(h)(vi). The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading options on ETFs, including the listing of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi).

Additionally, the Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of new series of options on ETFs, including the trading of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi), up to the number of expirations currently permissible under the Exchange Rules.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Listing options on Commodity-Based Trust Shares will continue to provide investors with the ability to hedge their exposure to the underlying Trust in a timely manner. Similar to options on any other ETF, options on Commodity-Based Trust Shares offer investors a lower-cost tool to manage their exposure to the price of a digital commodity. Additionally, listing these options on a national securities exchange, rather than trading in the over-the-counter (''OTC'') options market, increases market transparency and enhances the process of price discovery to the benefit of all investors.

In addition, the Exchange believes that its proposal to amend the listing criteria at Options 4, Section 3(h)(vi) with respect to options on Commodity-Based Trust Shares will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it would allow the Exchange to immediately list and trade qualifying options on Commodity-Based Trust Shares, provided the initial listing criteria have been met, without any additional approvals from the Commission.

Specifically, the Exchange's proposal to amend Options 4, Section 3(h) to replace the term and meaning of ''crypto asset'' with ''digital commodity'' is consistent with the Act. The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the CFTC, effective March 23, 2026,[22] and would: (i) align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on Commodity-Based Trust Shares; and (ii) permit options to be listed on Commodity-Based Trust Shares pursuant to Nasdaq Rule 5711(d), as amended.

Practically, the term ''crypto asset'' is more broadly defined in that it captures anything that (1) is generated, issued, or transferred on a blockchain or similar DLT network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive (''including but not limited to'' tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. This is in contrast to the term ''digital commodity,'' which is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity; rather, a digital commodity must (i) be a commodity as provided in the Commodity Exchange Act;[23] (ii) its value must be ''intrinsically linked to and derives from the programmatic operation of a functional crypto system'' and market dynamics; and (iii) its value must not be derived from ''the expectation of profits from the essential managerial efforts of others,'' which excludes assets that would be classified as securities.

Beyond the definitional change, and to align with Commodity-Based Trust Shares that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust Share holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG. This proposal is consistent with the Act as the vast majority of the economic value of the Trust's portfolio will remain subject to the same comprehensive surveillance framework that the Commission has previously found sufficient to address concerns about fraud and manipulation for listing

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(5).

[22] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[23] *See* 7 U.S.C. 1a(9).

options on Commodity-Based Trust Shares.

Through its membership in ISG, the Exchange would be able to obtain access to trading data, clearing data, and customer identity information from the markets that trade derivatives on digital commodities, enabling detection of coordinated or manipulative activity across markets. The ISG agreement creates a robust mechanism for sharing information related to trading activity in the derivatives overlying digital commodities. In addition, the Exchange would be able to obtain information from Nasdaq regarding trading in shares of the Commodity-Based Trusts underlying the proposed options. Together, the information available through ISG and from Nasdaq would enable the Exchange to detect and investigate potentially manipulative trading patterns. The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the Trust holdings not covered by surveillance sharing agreements would constitute a small fraction of the Trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the Trust and, consequently, the price of the options.

The proposal is also consistent with the Act's investor-protection objectives because it preserves the liquidity conditions on which reliable options pricing depends. Having adequate liquidity in the Trust's constituent digital commodities ensures that the creation and redemption process for Trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the Trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the Trust shares closely tethered to the Trust's net asset value. A tight NAV-to-share price relationship, in turn, produces reliable pricing inputs for options overlying the Trust shares, directly protecting options investors from the risk of trading instruments whose reference prices (the price of the Trust's shares) have become disconnected from fundamental value.

The multi-asset structure of the Trust also provides a structural safeguard against manipulation. Attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the Trust and, consequently, the price of the options. Commodity-Based Trust Shares listed on national securities exchanges are subject to ongoing listing requirements, including transparency obligations regarding the Trust's holdings, NAV calculations, and creation and redemption mechanisms. These features provide the Exchange and market participants with continuous visibility into the composition and value of the Trust, creating an additional layer of protection against manipulation. Finally, the Exchange currently surveils the trading of options on Commodity-Based Trust Shares and will continue to do so under the proposed amended criteria.

Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options on Commodity-Based Trust Shares, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a good measure of liquidity to prevent the addition of options trading on Commodity-Based Trust Shares from disrupting the market for the underlying securities. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust's holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the Trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on the Trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the Trust's commodity holdings, even where the surveillance requirement applies to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent fraud and manipulation, consistent with Section 6(b)(5)'s objectives of preventing fraudulent and manipulative acts and practices and protecting investors and the public interest. That portion of the Trust holdings would constitute a small fraction of the Trust's total value, and an attempt to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on those assets in order to meaningfully affect the NAV of the Trust and, consequently, the price of the options. This structural dilution of any single constituent's influence across the broader Trust portfolio provides an investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts, operating in addition to—rather than in place of—the 85% surveillance framework and the ongoing listing and disclosure requirements described elsewhere in this filing.

Continuous disclosure obligations provide a further safeguard against manipulation. Commodity-Based Trust Shares are subject to ongoing listing requirements at Nasdaq Rule 5711(d), including transparency obligations regarding the Trust's holdings at Nasdaq Rule 5711(d)(v) and Nasdaq Rule 5711(d)(vii), as well as the continued listing requirements at Nasdaq Rule 5711(d)(viii)(B). These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the Trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation. Because option values derive from the Trust share price, this transparency matters: it allows market participants to use the creation and redemption process to keep the price of the Trust's Shares tethered to NAV, giving the options a reliable reference price. Any attempt to move the Trust share price to profit in the options would create a visible deviation from a publicly known NAV, inviting offsetting creation or redemption activity and detection through the Exchange's surveillance. Additionally, the options on the Commodity-Based Trust Shares are subject to continued listing requirements at Options 4, Section 3(h)(3) and Options 4, Section 4(g).

In addition, the Exchange will continue to require each underlying digital commodity to have a requisite

amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trust Shares. Today, the Exchange has a comprehensive surveillance sharing agreement in place with both CME Group Inc. (''CME'') and Coinbase Derivatives through its common membership in ISG. This facilitates the sharing of information that is available to CME and Coinbase Derivatives through their surveillance of their respective markets, including their surveillance of their respective digital asset futures markets. Further, ISE could obtain information directly from Nasdaq regarding trading in Commodity-Based Trust Shares for the purpose of investigating a suspected manipulation or other trading abuse.

Options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi) would trade in the same manner as options on other ETFs on the Exchange. The Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures would apply to the listing and trading of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi) in the same manner.

The Exchange represents that the same surveillance procedures applicable to all other options on other ETFs currently listed and traded on the Exchange will apply to the trading of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi). The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading options on ETFs, including the listing of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi).

Additionally, the Exchange has analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series of options on ETFs, including the trading of options on Commodity-Based Trust Shares that are listed pursuant to Options 4, Section 3(h)(vi), up to the number of expirations currently permissible under the Exchange Rules.

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 proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the term aligns with the terminology utilized in Nasdaq Rule 5711(d). Options on qualifying Commodity-Based Trust Shares would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, options on qualifying Commodity-Based Trust Shares will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on qualifying Commodity-Based Trust Shares.

The Exchange does not believe that the proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trust Shares that hold digital commodities.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust Share holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all options on Commodity-Based Trust Shares will be listed pursuant to the same listing standards and will be available to all market participants.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust Share holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trust Shares that hold digital commodities.

Additionally, the Exchange notes that listing and trading options on qualifying Commodity-Based Trust Shares on the Exchange will subject such options to transparent exchange-based rules while enhancing price discovery and liquidity, rather than trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

IV. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[24] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5)

[24] 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).

of the Act,[25] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange proposes to amend ISE Options 4, Section 3(h)(vi) to permit the Exchange to list options on Commodity-Based Trust Shares that holds a digital commodity or multiple digital commodities, provided that the Trust meets certain requirements, as described above.[26] The proposal will allow ISE to list options on Commodity-Based Trust Shares without further approval from the Commission, thereby permitting the Exchange to list these options soon after Nasdaq lists the underlying Commodity-Based Trust Shares. Permitting the listing and trading of these options on the Exchange will provide investors with an additional vehicle for gaining and hedging exposure to the underlying Commodity-Based Trust Shares.

Options on Commodity-Based Trust Shares that hold a digital commodity or multiple digital commodities will be subject to initial and continued listing requirements that are similar to the Exchange's current initial and continued listing requirements for options on Commodity-Based Trusts Shares that hold a single crypto asset or multiple crypto assets.[27] Under the proposal, each digital commodity that a Commodity-Based Trust holds must (A) have an average daily market value of at least $700 million over the last 12 months; and (B) underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, except that up to 15% of the NAV of the Commodity-Based Trust's holding in the aggregate may consist of digital commodities that do not meet this requirement. The Exchange will consider suspending opening transactions in Commodity-Based Trust Share options if the requirements in proposed ISE Options 4, Section 3(h)(3) are no longer satisfied.[28]

The Exchange represents that the same surveillance procedures applicable to ETF options currently listed and traded on the Exchange will apply to the trading of options on Commodity-Based Trust Shares.[29] The Exchange states that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior that might arise from listing and trading options on ETFs, including the listing of options on Commodity-Based Trust Shares.[30] As discussed above, under proposed Options 4, Section 3(h)(3)(B), each digital commodity held by a Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, except that up to 15% of the NAV of the Commodity-Based Trust's holdings in the aggregate may consist of digital commodities that do not meet this requirement.[31] The requirement in Options 4, Section 3(h)(3)(B), which is consistent with the Commodity-Based Trust Share listing standards in Nasdaq Rule 5711(d)(iv)(A)(2) and (C), should assist the Exchange in investigating suspected manipulations or other trading abuses in Commodity-Based Trust Share options.[32]

For these reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the requirements of the Act.

V. Solicitation of Comments on Amendment No. 2 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. 2, 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–ISE–2026–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2026–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–42, and should be submitted on or before December 4, 2026.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 2, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 2 in the **Federal Register**. Amendment No. 2 revises the proposal to: (1) represent that the Exchange will submit a proposed rule change to modify its definition of ''digital commodity'' if legislation is enacted that defines ''digital commodity'' or a substantially similar term; (2) state that, for purposes of calculating the 15% limitation in proposed Options 4, Section 3(h)(3)(B), any derivatives held by the Trust will be calculated based on their gross notional value; (3) state that it is unlikely that an attempt to manipulate 15% of the assets of a Commodity-Based Trust would affect the price of the proposed options; (4) state that the Exchange would be able to obtain information from Nasdaq regarding Commodity-Based Trust

[25] 15 U.S.C. 78f(b)(5).

[26] The Exchange represents that to the extent legislation is enacted defining ''digital commodity'' or a substantially similar term, the Exchange will submit a rule filing to conform the definition in proposed ISE Options 4, Section 3(h) to the statutory definition. *See* Amendment No. 2 at 7.

[27] *See* Options 4, Sections 3(h)(3) and Options 4, Section 4.

[28] *See* ISE Options 4, Section 4(g)(3).

[29] *See* Amendment No. 2 at 14. The Exchange's rules use the term ''exchange-traded fund'' to refer to several types of investment products, including Commodity-Based Trusts. *See* Options 4, Section 3(h).

[30] *See* Amendment No. 2 at 14.

[31] *See* proposed ISE Options 4, Section 3(h)(3)(B).

[32] *See* Nasdaq Rule 5711(d)(iv)(C). *See also* Securities Exchange Act Release No. 105995 (July 27, 2026), 91 FR 48204 (July 30, 2026) (order approving File No. SR–Nasdaq–2026–032) (''Commodity-Based Trust Shares Order''). In the Commodity-Based Trust Shares Order, the Commission stated that the requirement that each exchange-traded product (''ETP'') holds at least 85% of its investments in commodities approved by the Commission to underlie an ETP as primary investments will enable adequate surveillance of the shares on the listing exchange. *See* Commodity-Based Trust Shares Order, 91 FR at 48206.

Shares for purposes of investigating a suspected manipulation or other trading abuse involving the proposed Commodity-Based Trust Share options; (5) describe the continued listing requirements for the proposed options; (6) describe the surveillance procedures and trading rules that would apply to the proposed options; (7) represent that the Exchange and OPRA have the necessary systems capacity to handle the additional traffic that would be associated with listing the proposed options; (8) correct a grammatical error in the text of the proposed rule; and (9) make additional non-substantive changes to the proposal.

Amendment No. 2 raises no novel regulatory issues that have not previously been subject to comment and strengthens and clarifies the proposal by describing the surveillance procedures and Exchange rules, including the continued listing requirements, that will apply to the proposed options. The representations, the clarifications, and additional information included in Amendment No. 2, provide additional support for the proposal and assist the Commission in evaluating the proposal and determining that the proposal is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[33] to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[34] that the proposed rule change (SR–ISE–2026–42), as modified by Amendment No. 2, is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23180 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[33] 15 U.S.C. 78s(b)(2).

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106867; File No. SR–24X–2026–31]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.14 in Light of the Commission's Approval of Overnight Protected Bands for 23/5 Trading

November 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 November 3, 2026, 24X National Exchange LLC (''24X'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend 24X Rule 11.14 (''Clearly Erroneous Executions'') in light of the Commission's approval of Overnight Protected Bands for 23/5 Trading. The proposed rule change is available on the Exchange's website at *https://equities.24exchange.com/regulation* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 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 24X Rule 11.14 (''Clearly Erroneous Executions'') in light of the Commission's approval of Overnight Protected Bands under the LULD Plan for 23/5 Trading.

Background

In conjunction with the industry's plans for the introduction of trading 23 hours a day, 5 days a week (''23/5 Trading''), the Operating Committee of the Plan to Address Extraordinary Market Volatility (''LULD Plan'') filed proposed Amendment 27 to the LULD Plan, which proposed to establish price band protections during overnight trading hours (''Overnight Price Bands'').[3] The Operating Committee proposed that the Overnight Price Bands would initially be temporary static bands 20% above and below two reference points, and that after implementation, the Operating Committee would evaluate the performance of such Overnight Price Bands and propose appropriate changes in a new plan amendment.[4] On August 5, 2026, the Commission approved the proposal.[5]

In light of the Commission's approval of these changes to the LULD Plan, the Exchange now proposes several amendments to 24X Rule 11.14 regarding Clearly Erroneous Executions. In general, the rule describes the process a market participant may use to request cancellation of a transaction that was ''clearly erroneous.'' The current rule's central premise is that if LULD Price Bands under the LULD Plan were available and correct at the time the transaction was executed, the transaction is not eligible for clearly erroneous review. Specifically, 24X Rule 11.14(c)(1) currently provides that ''[i]f the execution time of the transaction(s) under review is during Regular Trading Hours, the transaction will not be reviewable as clearly erroneous'' except in certain limited circumstances, including when (A) the

[3] *See* Securities Exchange Act Release No. 105596 (June 1, 2026), 91 FR 33774 (June 4, 2026) (File No. 4–631) (Notice of Filing of 27th Amendment to the National Market System Plan).

[4] *See id.*

[5] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (File No. 4–631) (Order Granting Approval of the 27th Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

transaction is in an NMS stock that is not subject to the LULD Plan (*e.g.,* rights and warrants), (B) the transaction was executed at a time when LULD Price Bands were unavailable or trading should have been prevented due to a regulatory halt or other halt, or (C) several other limited circumstances.[6] In approving the existing version of the rule, the Commission noted that restricting clearly erroneous review in this way during times when LULD Price Bands were in effect was ''consistent with the Act and will further the goal of providing greater certainty to market participants that trades executed within the Price Bands will stand and not be broken. . . . Thus, the proposal is designed to limit the potential discordance between the LULD mechanism and CEE review process.'' [7]

Currently, LULD Price Bands are available only during Regular Trading Hours,[8] meaning that the restrictions on clearly erroneous review described above apply only during Regular Trading Hours. With the introduction of Overnight Price Bands, the Exchange now proposes to extend the existing restrictions on clearly erroneous review to the period when Overnight Price Bands are in place. This proposed change would be consistent with the Commission's rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.

24X Rule 11.14 currently provides that transactions executed during the 24X Market Session [9] are treated in the same manner as transactions executed during the Pre-Market [10] and Post-Market [11] Sessions. Given the Commission's approval of Overnight Price Bands, the Exchange proposes instead to make clearly erroneous review of transactions executed during the 24X Market Session available in a manner similar to transactions executed during Regular Trading Hours.

Proposed Changes to 24X Rule 11.14(c)(1)

To implement this change, the Exchange proposes to add several definitions to 24X Rule 11.14(c)(1). First, the Exchange would add that the term ''LULD Protected Hours'' includes Regular Trading Hours and ''Overnight Protected Hours'' defined in Section VIII of the LULD Plan. Second, the Exchange would define ''LULD Price Bands'' or ''Price Bands'' to mean the Price Bands defined in Section V of the LULD Plan (*i.e.,* the Price Bands that apply during Regular Trading Hours) and ''Overnight Price Bands'' as defined in Section VIII of the LULD Plan (*i.e.,* the Price Bands that apply to the Overnight Protected Hours from 9:00 p.m. ET through 4:00 a.m. ET).

The Exchange proposes to amend the current first sentence of 24X Rule 11.14(c)(1) to replace the phrase ''Regular Trading Hours'' with ''LULD Protected Hours,'' to provide that ''[i]f the execution time of the transaction(s) under review is during LULD Protected Hours, the transaction will not be reviewable as clearly erroneous . . . .'' This change would extend the LULD-based restrictions on clearly erroneous review currently in place during Regular Trading Hours to the Overnight Protected Hours.

The Exchange also proposes to amend 24X Rule 11.14(c)(1)(B)'s reference to ''Percentage Parameter'' to incorporate the Percentage Parameter that applies to Overnight Protected Hours. The amended provision would provide for the applicability of clearly erroneous review if the price of the transaction to buy (sell) that is the subject of the clearly erroneous complaint is greater than (less than) the Reference Price by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (with respect to the Price Bands that apply during Regular Trading Hours) or the ''Overnight Percentage Parameter defined in Section VIII of the LULD Plan'' (with respect to Overnight Protected Hours).

In addition to these changes, the Exchange also proposes to make a non-substantive change to 24X Rule 11.14(c)(1)(A), substituting the term ''LULD Plan'' for the current text ''the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the 'Limit Up-Limit Down Plan' or 'LULD Plan,')'' as the ''LULD Plan'' would be defined in the proposed revision to 24X Rule 11.14(c)(1).

Proposed Changes to 24X Rule 11.14(c)(2), (d)(3), and (f)

As noted above, current 24X Rule 11.14(c)(1)(A) permits clearly erroneous review even during Regular Trading Hours when the transaction in question is in an NMS Stock that is not subject to the LULD Plan, *i.e.,* rights and warrants. Such transactions are reviewed for clearly erroneous status using the procedures set out in 24X Rule 11.14(c)(2), including the Numerical Guidelines set out in the table accompanying 24X Rule 11.14(c)(2)(A). The Exchange now proposes to introduce a similar provision regarding transactions in NMS Stocks not subject to the LULD Plan that are executed during the Overnight Protected Hours; such transactions would be subject to the same Numerical Guidelines as transactions occurring in the Pre-Market Session and Post-Market Session.

The heading of 24X Rule 11.14(c)(2) addresses ''[r]eview of transactions occurring during Pre-Market Session, Post Market Session, 24X Market Session, or eligible for review pursuant to paragraph (c)(1)(A).'' The Exchange proposes to remove the reference to the 24X Market Session and replace the phrase ''eligible for review pursuant to paragraph (c)(1)(A)'' (which, in the current rule, means transactions executed during Regular Trading Hours in NMS Stocks not subject to the LULD Plan) with ''during LULD Protected Hours in NMS Stocks not subject to the LULD Plan.'' This proposed language would cover transactions in NMS Stocks not subject to the LULD Plan in Regular Trading Hours and expand the same treatment to transactions executed in NMS Stocks not subject to the LULD Plan during Overnight Protected Hours. As such, the proposed change is not novel.

The Exchange proposes to make the same change everywhere else such language appears in the rule—namely, in the text of paragraphs (c)(2)(A), (c)(2)(B), (c)(2)(C), (c)(2)(D),[12] (d)(3), and (f).[13] In each case, the Exchange proposes to remove the reference to the

[6] *See* 24X Rule 11.14(c)(1)(A), (B), and (C).

[7] *See* Securities Exchange Act Release No. 95658 (September 1, 2022), 87 FR 55060 at 55063 (September 8, 2022) (SR–CboeBZX–2022–037) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, to Amend BZX Rule 11.17, Clearly Erroneous Executions).

[8] *See* 24X Rule 1.5(dd).

[9] *See* 24X Rule 1.5(c).

[10] *See* 24X Rule 1.5(z).

[11] *See* 24X Rule 1.5(y).

[12] 24X Rule 11.14(c)(2)(D) refers to ''paragraph (c)(2)'' instead of ''paragraph (c)(1)(a),'' which the Exchange considers to be a typographical error that will be made irrelevant by the proposed change.

[13] 24X Rule 11.14(c)(2)(A)–(D) specifies general rules for applying clearly erroneous review to transactions where such review is not precluded by paragraph (c)(1). 24X Rule 11.14(d)(3) specifies conditions where the Exchange may use a revised Reference Price for the purpose of clearly erroneous review in certain transactions where such review is not precluded by paragraph (c)(1). 24X Rule 11.14(f) specifies that for transactions where clearly erroneous review is not precluded by paragraph (c)(1), an officer may initiate clearly erroneous review on his or her own motion.

24X Market Session and replace the phrase ''eligible for review pursuant to paragraph (c)(1)(A)'' with ''during LULD Protected Hours in NMS Stocks not subject to the LULD Plan.''

The Exchange also proposes to make corresponding changes to the headings of the table accompanying 24X Rule 11.14(c)(2)(A). The Exchange proposes to change the heading of the second column from ''Core Market Session [14] Numerical Guidelines for transactions eligible for review pursuant to paragraph (c)(1)(A)'' to ''Numerical Guidelines for Transactions Executed During the Core Market Session in NMS Stocks Not Subject to the LULD Plan.'' This change would simply replace the shorthand ''eligible for review pursuant to paragraph (c)(1)(A)'' with the fuller description that such transactions are ''executed during the Core Market Session in NMS Stocks not subject to the LULD Plan,'' and is not a substantive change.

Similarly, the Exchange proposes to change the heading of the third column from ''Pre-Market, Post-Market Session and 24X Market Session Numerical Guidelines'' to ''Numerical Guidelines for Transactions Executed During the Pre-Market and Post-Market Session or during Overnight Protected Hours in NMS Stocks Not Subject to the LULD Plan.'' The proposed change removes the reference to the 24X Market Session and addresses the fact that transactions executed during Overnight Protected Hours in NMS Stocks not subject to the LULD Plan are eligible for clearly erroneous review—just as are transactions in NMS Stocks not subject to the LULD Plan executed during Regular Trading Hours—but at the Numerical Guidelines that apply outside of Regular Trading Hours.

Together, these proposed changes would extend the eligibility of clearly erroneous review for transactions in NMS Stocks not subject to the LULD Plan that is currently in place during Regular Trading Hours to the Overnight Protected Hours, and would apply the Commission's recent approval of Overnight Price Bands to the clearly erroneous executions rule.

Implementation

The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. The Exchange proposes that this rule change would become operative at the commencement of 23/5 Trading, which is scheduled to commence industry-wide on December 6, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[15] Specifically, the proposal is consistent with Section 6(b)(5) of the Act [16] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes that the proposed change is consistent with just and equitable principles of trade because it extends the basic premise of the current rule that clearly erroneous review should be generally unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. Currently, LULD Price Bands are available only during Regular Trading Hours, meaning that the restrictions on clearly erroneous review described above apply only during Regular Trading Hours. With the introduction of Overnight Price Bands, the Exchange believes that removing former references to the 24X Market Session and extending such restrictions on clearly erroneous review to the period when Overnight Price Bands are in place would remove impediments to and perfect the mechanism of a free and open market and a national market system by enhancing the transparency and consistency of the rule.

The resulting rule would thus extend the LULD-related limits on clearly erroneous review that are applicable in Regular Trading Hours to the overnight period. The proposed change would also be consistent with the Commission's rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.[17]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act [18] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather than impacting competition, the proposed change would simply extend the basic premise of the current rule that clearly erroneous review should be generally unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and subparagraph (f)(6) of Rule 19b–4 thereunder.[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. If the Commission takes such action, the Commission shall institute proceedings

[14] *See* 24X Rule 1.5(l). The term ''Core Market Session'' is synonymous with ''Regular Trading Hours.'' *See* 24X Rule 1.5(dd).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* 87 FR 55060 at 55063, *supra* note 7.

[18] 15 U.S.C. 78f(b)(8).

[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–24X–2026–31 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–24X–2026–31. 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–24X–2026–31 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23184 Filed 11–12–26; 8:45 am]

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[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106859; File No. SR–Phlx–2026–67]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for NDX Options

November 9, 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 October 27, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fees for Nasdaq 100® Index (''NDX'') options and fees for the nonstandard expiration dates (''NDXP'') in the Exchange's Pricing Schedule at Options 7, Section 5.A, and to adopt a new NDX Incentive Program at Options 7, Section 5.B.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on November 1, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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 increase NDX and NDXP options pricing for Non-Customers[3] and adopt a new NDX Incentive Program (''Program'') at Options 7, Section 5.B to offer Market Makers[4] the opportunity to earn rebates based on market quality metrics in certain NDXP options. Each change is described below.

Transaction Fees

As set forth in Options 7, Section 5.A, the Exchange currently charges all Non-Customer[5] orders in NDX and NDXP a $0.75 per contract transaction fee. Customer[6] orders are currently assessed a $0.50 per contract transaction fee in NDX and NDXP. These transaction fees apply to electronic simple and complex executions as well as floor transactions.

The Exchange now proposes to increase the Non-Customer options transaction fees in NDX and NDXP from $0.75 to $1.25 per contract. As a result, Professionals, Lead Market Makers, Market Makers, Broker-Dealers and Firms would each be assessed a transaction fee of $1.25 per contract in NDX and NDXP options, which would continue to apply to electronic simple and complex executions as well as floor transactions. The Exchange is not proposing to amend the Customer transaction fee of $0.50 per contract in NDX and NDXP options, or the transaction fees for other index options in Options 7, Section 5.

The surcharges set forth in the notes to Options 7, Section 5.A would continue to apply, unchanged, in addition to the transaction fees for NDX and NDXP options. Specifically: (i) note

[3] The term ''Non-Customer'' applies to transactions for the accounts of Lead Market Makers, Market Makers, Firms, Professionals, Broker-Dealers and JBOs. *See* Options 7, Section 1(c).

[4] The term ''Market Maker'' is defined in Options 1, Section 1(b)(29) as a member of the Exchange who is registered as an options Market Maker pursuant to Options 2, Section 12(a). A Market Maker includes SQTs and RSQTs as well as Floor Market Makers. *See* Options 7, Section 1(c).

[5] The term ''Non-Customer'' applies to transactions for the accounts of Lead Market Makers, Market Makers, Firms, Professionals, Broker-Dealers and JBOs. *See* Options 7, Section 1(c).

[6] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)). *See* Options 7, Section 1(c).

1 provides that a surcharge of $0.25 per contract is assessed to Non-Customers in NDX and NDXP options; (ii) note 3 provides that a surcharge is assessed to electronic simple Non-Customer orders in NDX and NDXP options that remove liquidity according to a premium schedule, which ranges from $1.00 per contract for premiums of less than $3.00 to $3.00 per contract for premiums greater than or equal to $50.00; (iii) note 5 provides that a surcharge of $0.50 per contract is assessed to all Non-Customer complex executions in NDX and NDXP options; (iv) note 6 provides that a surcharge of $0.25 per contract is assessed to all Customer complex executions in NDX and NDXP options; and (v) note 7 provides that a surcharge of $0.25 per contract is assessed to all market participants for simple and complex executions in NDX and NDXP options with a premium price of $25.00 or greater.

By way of example, under the proposed pricing a Market Maker electronic simple order in NDXP options with a premium of $5.00 that adds liquidity would be assessed $1.50 per contract (the $1.25 transaction fee plus the $0.25 note 1 surcharge), as compared to $1.00 per contract today. If the same order removed liquidity, it would be assessed $3.00 per contract (the $1.25 transaction fee, the $0.25 note 1 surcharge, and the $1.50 note 3 surcharge), as compared to $2.50 per contract today. A Non-Customer complex execution in NDX options with a premium of $30.00 would be assessed $2.25 per contract (the $1.25 transaction fee, the $0.25 note 1 surcharge, the $0.50 note 5 surcharge, and the $0.25 note 7 surcharge), as compared to $1.75 per contract today. By comparison, a Customer complex execution in NDX options with a premium of $30.00 would continue to be assessed $1.00 per contract (the $0.50 transaction fee, the $0.25 note 6 surcharge, and the $0.25 note 7 surcharge).

While the Exchange is increasing the NDX and NDXP Non-Customer Options Transaction Charge, the Exchange believes that market participants will continue to transact NDX and NDXP options on Phlx given the large notional value of NDX. Each options contract has a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level. For example, at an index level of 20,000, one NDX or NDXP options contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract transaction fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points. Because the Exchange's transaction fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. The Exchange notes that the increase is modest relative to the value of the exposure each NDX and NDXP options contract provides.

NDX Incentive Program

The Exchange proposes to adopt the Program at new Options 7, Section 5.B, titled ''Incentive Programs.'' The Program is designed to incentivize Market Makers to post tighter, more consistent quotes in short-dated NDXP options, to the benefit of all market participants that trade those options on Phlx.

Program Period. As proposed in paragraph (a) of proposed Options 7, Section 5.B, the qualification period for the Program would be a calendar month, and the Program would operate month-to-month. Rebates would be paid each calendar month to eligible Market Makers.

Eligible Participants. As proposed in paragraph (b) of proposed Options 7, Section 5.B, all Market Makers would be eligible for the Program.

Eligible Options and Measurement Windows. As proposed in paragraph (c)(1), of proposed Options 7, Section 5.B, the Eligible Options would be P.M.-settled Nasdaq-100 Index options (''NDXP'') that (i) expire on the same trading day on which they are traded (''0DTE'') or (ii) expire on the next trading day (''1DTE''). Eligible strike prices would be all strikes divisible by $25, and no moneyness filter would be applied. Whether a particular options series qualifies at a given time would be determined by the bid premium test described below. As proposed in paragraph (c)(2) of proposed Options 7, Section 5.B, the Exchange would measure quoting performance during the following windows (collectively, the ''Measurement Windows''), with all times in Central Time: (i) for 0DTE options, 8:30 a.m. to 3:00 p.m.; and (ii) for 1DTE options, 8:30 a.m. to 3:15 p.m.

Premium Tiers and Maximum Widths. As proposed in paragraph (d) of proposed Options 7, Section 5.B, the Program would consist of two independently scored Premium Tiers, each with a Bid Premium Range and a Maximum Width. Premium Tier 1 would have a Bid Premium Range of $8.00 up to and including $80.00 and a Maximum Width of $2.00. Premium Tier 2 would have a Bid Premium Range of $0.20 up to but not including $8.00 and a Maximum Width of $1.00. At each Snapshot (described below), the best bid premium submitted by any Market Maker to Phlx through the Specialized Quote Feed (''SQF'')[7] would determine the applicable Premium Tier and Maximum Width. An options series could qualify for at most one Premium Tier per Snapshot, and an options series whose best Market Maker bid falls outside both Bid Premium Ranges would not be measured at that Snapshot.

Scoring Methodology. As proposed in paragraph (e)(1) of proposed Options 7, Section 5.B, the Exchange would measure quoting performance at a randomly selected time within each 15-second interval during the applicable Measurement Window (each, a ''Snapshot''). As proposed in paragraph (e)(2) of proposed Options 7, Section 5.B, at each Snapshot an options series would constitute a ''Qualified Observation'' for a given Premium Tier if the best Market Maker bid submitted through SQF in that options series falls within the Bid Premium Range for that Premium Tier. Only the best displayed quote of Market Makers on Phlx would be considered for this purpose, and a Qualified Observation would apply uniformly to all Market Makers for purposes of the Program. As proposed in paragraph (e)(3), for each options series that constitutes a Qualified Observation, a Market Maker would earn a ''Performant Quote'' tally if the width of its displayed quotation on Phlx (determined from the Market Maker's best displayed bid and best displayed offer) is equal to or less than the applicable Maximum Width for that Premium Tier. A Performant Quote need

[7] ''Specialized Quote Feed'' or ''SQF'' is an interface that allows Lead Market Makers, Streaming Quote Traders (''SQTs'') and Remote Streaming Quote Traders (''RSQTs'') to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses into and from the Exchange. Features include the following: (1) options symbol directory messages (*e.g.,* underlying and complex instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge requests from the Lead Market Maker, SQT or RSQT. Lead Market Makers, SQTs and RSQTs may only enter interest into SQF in their assigned options series. Immediate-or-Cancel Orders entered into SQF are not subject to the Order Price Protection, the Market Order Spread Protection, and Size Limitation Protection in Options 3, Section 15(a)(1), (a)(2) and (b)(2), respectively, for single leg orders, or (ii) Complex Order Price Protection as defined in Options 3, Section 16(c)(1) for Complex Orders. *See* Supplementary Material .03(C) of Options 3, Section 7.

not be the best quote in the market; it would be judged solely against the applicable Maximum Width.

As proposed in paragraph (e)(4) of proposed Options 7, Section 5.B, a Market Maker's Monthly Score for each Premium Tier would be calculated as follows: 70% × (monthly sum of Performant Quotes for 0DTE options ÷ monthly sum of Qualified Observations for 0DTE options) + 30% × (monthly sum of Performant Quotes for 1DTE options ÷ monthly sum of Qualified Observations for 1DTE options). Scores would be calculated to two decimal places (*e.g.,* 62.47%).

By way of example, assume that at a particular Snapshot a 0DTE options series has the following quotes: Market Maker 1 (''MM1'') $7.90 × $9.90; Market Maker 2 (''MM2'') $8.00 × $9.00; and Market Maker 3 (''MM3'') $7.80 × $10.00. The best Market Maker bid of $8.00 would qualify the options series for Premium Tier 1, which has a Maximum Width of $2.00. MM1's quote is $2.00 wide, which equals the Maximum Width, so MM1's quote is a Performant Quote even though its bid is below $8.00. MM2's quote is $1.00 wide, which is less than the Maximum Width, so MM2's quote is a Performant Quote. MM3's quote is $2.20 wide, which exceeds the Maximum Width, so MM3's quote is not a Performant Quote. If this were the only Snapshot for the month, there would be one 0DTE Qualified Observation and no 1DTE Qualified Observations, and the Market Makers would be scored as follows: MM1, 70% × (1⁄1); MM2, 70% × (1⁄1); and MM3, 70% × (0⁄1).

Funding and Payouts. As proposed in paragraph (f) of proposed Options 7, Section 5.B, the Exchange would award rebates each calendar month to the highest-scoring Market Makers in each Premium Tier. In Premium Tier 1, the Market Makers ranked first, second and third would receive monthly rebates of $400,000, $250,000 and $100,000, respectively. In Premium Tier 2, the Market Makers ranked first and second would receive monthly rebates of $150,000 and $50,000, respectively. The Exchange would therefore pay up to $950,000 in total Program rebates in a given month. For each Premium Tier, the Exchange will remove two trading days from each Market Maker's monthly measurement for that Premium Tier, selected in a manner that maximizes the Market Maker's overall Monthly Score for that Premium Tier. The days removed may differ between Premium Tiers. The Removal of Days provision in Options 7, Section 1(b) would also apply to the Program for purposes of excluding days from the Monthly Score;[8] otherwise, all trading days in the month would count toward the Monthly Score. In the event of identical Monthly Scores, the applicable award(s) would be split evenly among the tied Market Makers.[9]

Reporting. As proposed in paragraph (g), the Exchange would provide Market Makers with a report of their daily performance via Nasdaq Report HQ. In addition, the Exchange would distribute daily standings to all Market Makers and disclose the Monthly Scores of the top three Premium Tier 1 Market Makers and the top two Premium Tier 2 Market Makers, without identifying the Market Makers.

Voluntary Participation; No Quoting Obligation. As proposed in paragraph (h), participation in the Program would be entirely voluntary. No Market Maker would be required to participate by quoting in NDXP options, and participation would not create any quoting obligation beyond a Market Maker's existing obligations under the Exchange's rules.[10]

Program Design. The Exchange has designed the Program to focus on those options series and times in which tight, consistent quoting is most valuable to market participants. The Exchange is limiting the Program to 0DTE and 1DTE NDXP options because these short-dated options account for a significant portion of NDXP trading activity and present heightened quoting risk for Market Makers given their rapid time decay and sensitivity to movements in the underlying index. The Exchange proposes to weight 0DTE performance at 70% and 1DTE performance at 30% because 0DTE options represent the larger share of short-dated NDXP options activity, while 1DTE options remain an important part of the market. The two Premium Tiers, with Maximum Widths of $2.00 for bid premiums of $8.00 up to and including $80.00 and $1.00 for bid premiums of $0.20 up to but not including $8.00, are intended to set width standards that are demanding yet achievable relative to the price of the option, recognizing that higher-priced options are typically quoted with wider absolute spreads. Measuring performance at a randomly selected time within each 15-second interval is designed to reward continuous quality quoting throughout the Measurement Windows, rather than quoting only at predictable times. Fixed, ranked rebates provide Market Makers with a clear, transparent incentive to compete with one another on market quality, while allowing the Exchange to control the total cost of the Program. Finally, distributing daily standings and disclosing the top Monthly Scores without identifying the Market Makers is intended to promote competition among participants by allowing each Market Maker to gauge its performance against the field, while protecting the confidentiality of individual firms' results.

The Exchange is proposing the Non-Customer fee increase and the Program together. While the Exchange is increasing the fees assessed to Non-Customers in NDX and NDXP options, the Program is designed to improve the quality of the NDXP market in which those Non-Customers, as well as Customers, transact. The Exchange believes that tighter, more consistent Market Maker quotes in short-dated NDXP options will improve execution quality for all participants that interact with those quotes, including Non-Customers paying the increased fees.

[8] Options 7, Section 1(b) provides, Removal of Days for Purposes of Pricing Tiers: (1) (A) Any day that the Exchange announces in advance that it will not be open for trading will be excluded from the options tier calculations set forth in its Pricing Schedule; and (B) any day with a scheduled early market close (''Scheduled Early Close'') may be excluded from the options tier calculations only pursuant to paragraph (3) below. (2) The Exchange may exclude the following days (''Unanticipated Events'') from the options tier calculations only pursuant to paragraph (3) below, specifically any day that: (A) the market is not open for the entire trading day, (B) the Exchange instructs members in writing to route their orders to other markets, (C) the Exchange is inaccessible to members during the 30-minute period before the opening of trade due to an Exchange system disruption, or (D) the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours. (3) If a day is to be excluded as a result of paragraph (1)(B) or (2) above, the Exchange will exclude the day from any member's monthly options tier calculations as follows: (A) the Exchange may exclude from the ADV calculation any Scheduled Early Close or Unanticipated Event; (B) the Exchange may exclude from the calculation based on a percentage of industry volume any Scheduled Early Close or Unanticipated Event; and (C) the Exchange may exclude from any other applicable options tier calculation provided for in its Pricing Schedule (together with (3)(A) and (3)(B), ''Tier Calculations'') any Scheduled Early Close or Unanticipated Event; provided, in each case, that the Exchange will only remove the day for members that would have a lower Tier Calculation with the day included. If a day is removed from a calculation based on a percentage of monthly industry volume, volume executed that day will be removed from both the numerator and the denominator of the calculation.

[9] In the event of a tie in Premium Tier 1, the tied Market Makers would receive an equal amount. For example, assuming these Monthly Scores at the end of a month: Market Maker A: 67.81%, Market Maker B: 67.81%, Market Maker C: 56.78%, and Market Maker D: 49.58%; Market Makers A and B each would receive a rebate of $325,000 ((400,000 + 250,000)/2), Market Maker C would receive a rebate of $100,000, and Market Maker D would receive no rebate.

[10] *See* Options 2, Section 5 (Market Maker quoting obligations).

Further, Market Makers have the ability to earn rebates through the Program while also enhancing market quality in these options on Phlx.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Transaction Fees

The Exchange believes that its proposal to increase the Non-Customer transaction fees in NDX and NDXP options from $0.75 to $1.25 per contract for electronic simple and complex executions as well as floor transactions is reasonable because Customers will continue to be assessed a lower fee as compared to Non-Customers, and the existing surcharges in NDX and NDXP options will continue to apply unchanged. The Exchange believes that, even with the increase, Non-Customer pricing in NDX and NDXP options will remain competitive and will continue to attract order flow to the Exchange.

The Exchange believes that the proposed Non-Customer transaction fee of $1.25 per contract in NDX and NDXP options is reasonable when considered in relation to the notional value of these products. NDX and NDXP options contracts each have a multiplier of $100, so a single contract represents notional exposure equal to $100 times the index level.[13] Because the Exchange's transaction fees are assessed per contract regardless of the size of the underlying exposure, the cost of the fee relative to the economic exposure obtained is small. It remains small even after the proposed increase. Viewed another way, a market participant seeking comparable Nasdaq 100 exposure through other products would generally need to trade many more contracts, each of which is subject to its own transaction fees. For example, a market participant seeking exposure equivalent to one NDX contract through options overlying Invesco QQQ Trust (''QQQ'')[14] would need to trade approximately 41 QQQ options contracts. Those contracts would be subject to per-contract transaction fees of up to $0.22 each on the Exchange for an aggregate cost of approximately $9.02. On a notional-equivalent basis, therefore, the proposed NDX and NDXP options fees remain lower than the cost of obtaining similar exposure through alternative products. The Exchange also notes that the proposed fee is lower in some cases and higher in other cases than fees assessed by other exchanges for proprietary broad-based index options with similarly large notional values, such as S&P 500 Index (''SPX'') options on Cboe Exchange, Inc. (''Cboe'').[15] For these reasons, the Exchange believes that the proposed fee increase, while meaningful in absolute terms, is modest relative to the value of the exposure each contract provides. The Exchange believes the increase will not discourage market participants from transacting in NDX and NDXP options on the Exchange.

At the same time, the Exchange is adopting the Program, which is designed to improve the quality of the NDXP market in which Non-Customers transact. Pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. The Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through the Exchange's proprietary products like options overlying NDX, NDXP or XND, or separately through multi-listed options overlying Invesco QQQ. Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. Market participants also may trade competing proprietary broad-based index options on other exchanges, such as SPX and Russell 2000 Index (''RUT'') options listed on Cboe.[16]

The Exchange believes that its proposal to increase the Non-Customer transaction fees in NDX and NDXP is equitable and not unfairly discriminatory because the increased fee will be applied uniformly to all Non-Customers. Continuing to assess a lower fee to Customers as compared to Non-Customers is equitable and not unfairly discriminatory because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Exchange believes that the Program is reasonable because it is designed to incentivize Market Makers to provide tighter, more consistent quotes in 0DTE and 1DTE NDXP options. Improved market quality benefits all market participants, not only the Market Makers that earn rebates. Tighter quotes reduce the cost of trading for Customers and other participants that interact with Market Maker quotes, more consistent displayed liquidity contributes to price discovery, and higher-quality markets attract additional order flow, which further deepens liquidity on the Exchange.

The Program is also reasonable because rebates are tied to objective, transparent metrics, namely Qualified Observations and Performant Quotes measured at random Snapshots against published Bid Premium Ranges and Maximum Widths, which are applied in the same manner to every Market Maker. The fixed rebate amounts, which total up to $950,000 per month, are reasonable in light of the improvement in market quality the Program is designed to achieve and the effort required of Market Makers to maintain quotes at or within the Maximum Widths throughout the Measurement Windows. Removing two trading days per month in the manner that maximizes each Market Maker's Monthly Score is reasonable because it accommodates occasional technical or market disruptions and applies equally to every participant, and splitting awards evenly among Market Makers with identical Monthly Scores is a fair and objective means of resolving ties.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] For example, at an index level of 20,000, one NDX or NDXP contract represents approximately $2,000,000 in notional value. At that level, the proposed $1.25 per contract transaction fee represents approximately 0.00625 basis points of notional value, and the proposed $0.50 increase represents approximately 0.0025 basis points.

[14] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX and XND.

[15] *See* Cboe Fees Schedule at: *https://www.cboe.com/us/options/membership/fee_schedule/.* With respect to non-customers, the base SPX rate is $0.28 for a market maker (falling to $0.21 on the SPX/SPXW Liquidity Provider Sliding Scale) which is notionally adjusted to $1.06 (falling to $0.80 on the SPX/SPXW Liquidity Provider Sliding Scale) and thus lower than ISE's proposed $1.25 for Market Maker. The base SPX rate is $0.26 for a firm (with a further proprietary products sliding scale) which is notionally adjusted to $0.99 (with a further proprietary products sliding scale) and thus lower than ISE's proposed $1.25 for Firm. The base SPX rate is $0.42 for a broker-dealer/professional which is notionally adjusted to $1.60 and thus higher than ISE's proposed $1.25 for Broker-Dealers and Professionals.

[16] *See, e.g.,* pricing for on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule.

The Exchange believes that the Program is equitable and not unfairly discriminatory because while participation is entirely voluntary, all Market Maker are eligible for the Program, and all Market Makers would be measured against the same Qualified Observations, Maximum Widths, and scoring formula. Participation does not create any quoting obligation beyond a Market Maker's existing obligations under the Exchange's rules. Limiting the Program to Market Makers is equitable and not unfairly discriminatory because, unlike other market participants, Market Makers have quoting obligations under the Exchange's rules [17] and bear the risks associated with continuously quoting in short-dated options. The Program is designed to reward Market Makers for quoting behavior that only they can provide in this manner, and the resulting improvement in market quality accrues to the benefit of all market participants. Ranking Market Makers and paying fixed rebates to the highest scorers is equitable and not unfairly discriminatory because every participant has the same opportunity to achieve a top ranking based on its quoting performance.

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.

In terms of intra-market competition, the Exchange will apply the proposed Non-Customer transaction fees uniformly to all Non-Customers. Continuing to assess a lower fee to Customers as compared to Non-Customers does not impose an undue burden on competition because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Program does not impose an undue burden on intra-market competition. Participation is voluntary and open to all Market Makers, and all participants are measured against the same objective criteria. Limiting the Program to Market Makers does not impose a burden on competition that is not necessary or appropriate because Market Makers are subject to quoting obligations and risks that other market participants do not bear, and the improved market quality the Program is designed to produce benefits all market participants that trade NDXP options on the Exchange. Ranking Market Makers and paying rebates to the highest scorers is intended to promote, rather than burden, competition among Market Makers to provide the best market quality.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As noted above, market participants are offered an opportunity to transact in NDX, NDXP, or XND, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index. Likewise, competing options exchanges offer market maker incentive programs, and the Exchange must design the Program to attract and retain Market Maker liquidity in competition with those venues.

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX and NDXP.[18] In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing options exchanges to maintain their competitive standing in the financial markets.

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 Act.[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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–Phlx–2026–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–67. 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

[17] *See supra* note 9.

[18] *See e.g.,* pricing for RUT on Cboe's Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX.

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

obscene or subject to copyright protection.

All submissions should refer to file number SR–Phlx–2026–67 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23104 Filed 11–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106872; File No. SR–MX2–2026–11]

Self-Regulatory Organizations; MX2 LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

November 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 October 30, 2026, MX2 LLC (''MX2'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 the Exchange's fee schedule applicable to Members [3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). As is further described below, the Exchange proposes to amend the MX2 Options Fee Schedule (the ''Options Fee Schedule'') to: establish a separate category within the fee structure for fees and rebates on transactions in options overlying SPY, QQQ, and IWM, (ii) reduce the Taker rebate for Customer transactions in SPY, QQQ and IWM options, and (iii) reduce the Maker fee for Market Maker transactions in SPY, QQQ and IWM options. The Exchange proposes to implement the changes to the Options Fee Schedule pursuant to this proposal on November 2, 2026. The text of the proposed rule change is provided in Exhibit 5.

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 purpose of the proposed rule change is to amend the Options Fee Schedule to (i) establish a separate category within the fee structure for fees and rebates on transactions in options overlying the Standard and Poor's Depositary Receipts Trust (''SPY''), the INVESCO QQQ Trust, Series 1 (''QQQ''), and the iShares Russell 2000 Index Fund (''IWM''), each of which are options in the Penny Interval Program (''Penny options''),[4] (ii) reduce the Taker [5] rebate for Customer [6] transactions in SPY, QQQ and IWM options, and (iii) reduce the Maker [7] fee for Market Maker [8] transactions in SPY, QQQ and IWM options.

Under the Options Fee Schedule, transactions are currently assessed a per contract fee (or provided a per contract rebate) dependent on the capacity of the Member,[9] whether the underlying security is a Penny option or is not in the Penny Interval Program (Non-Penny option),[10] and finally, whether the transaction adds [11] (*i.e.,* a ''Maker'') or removes [12] (*i.e.,* a ''Taker'') liquidity from the MX2 Options Book. Options on SPY, QQQ, and IWM are Penny options and are therefore currently subject to the rates applicable to Penny options. Specifically, for Penny options, including SPY, QQQ, and IWM, the Exchange currently provides a Customer Maker rebate of ($0.28) per contract and a Customer Taker rebate of ($0.48) per contract, and assesses a Maker fee of $0.50 per contract and a Taker fee of $0.50 per contract for Non-Customer transactions, including Market Maker, Professional, Firm, Away Market Maker, and Broker-Dealer transactions.

The Exchange now proposes to establish separate fees and rebates for executions of options in SPY, QQQ and IWM, separately from other Penny options. To do so, the Exchange proposes to add a new column for SPY/QQQ/IWM to the transaction fee table in the Options Fee Schedule and to clarify in the heading of the existing Penny column that it applies to Penny options other than SPY/QQQ/IWM. The Exchange believes that separately accounting for SPY, QQQ, and IWM is appropriate because these options are highly liquid and are commonly treated separately by other options exchanges.[13]

As noted above, as it relates to Professional, Firm, Away Market Maker, and Broker-Dealer executions of SPY, QQQ, and IWM options, the Exchange is not proposing to change the fees currently assessed, it is simply carving out SPY, QQQ and IWM into a separate category within the fee structure. Said another way, the proposed SPY, QQQ and IWM fees for Professional, Firm, Away Market Maker, and Broker-Dealer transactions will continue to be the same fees assessed to transactions in Penny options currently. As it relates to

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

[4] MX2 Options provides Fee Code ''P'' for transactions in Penny options. The Exchange is proposing to continue to use the Fee Code ''P'' for transaction in Penny options excluding SPY, QQQ, and IWM. The Exchange is proposing to provide the Fee Code ''x'' for transactions in SPY, QQQ, and IWM. Fee codes are provided by the Exchange on the monthly invoices provided to Members.

[5] Transactions that remove liquidity from the Exchange are referred to as ''Taker'' transactions.

[6] MX2 Options provides fee qualifier ''c'' for Customer transactions.

[7] Transactions that add liquidity to the Exchange are referred to as ''Maker'' transactions.

[8] MX2 Options provides fee qualifier ''m'' for market maker transactions.

[9] Specifically, the capacities include Customer, Market Maker, Professional, Firm Away Market Maker, and Broker-Dealer. MX2 Options provides fee qualifier ''p'' for professional transactions, fee qualifier ''f'' for firm transactions, fee qualifier ''a'' for away market maker transactions, and fee qualifier ''b'' for broker-dealer transactions. Each of market maker transactions, professional transactions, firm transactions, away market maker transactions, and broker-dealer transactions are referred to as ''Non-Customer'' transactions.

[10] MX2 Options provides the Fee Code ''N'' for transactions in Non-Penny options.

[11] MX2 Options provides the Fee Code ''D'' for transactions which add liquidity to the MX2 Options Book.

[12] MX2 Options provides the Fee Code ''R'' for transactions which remove liquidity from the MX2 Options Book.

[13] *See* the MIAX Sapphire Fee Schedule, Section 1)a)i), available at: *https://www.miaxglobal.com/markets/us-options/sapphire-options/fees. See also* BOX Options Exchange Fee Schedule, Section IV.A., available at: *https://boxoptions.com/resources/fee-schedule/;* and Nasdaq ISE, Options 7, Pricing Schedule, Section 3, Regular Order Fees and Rebates, available at: *https://listingcenter.nasdaq.com/rulebook/ise/rules.*

Customer transactions, the Exchange is proposing to provide the same Maker rebate for SPY, QQQ and IWM as the rebate applicable to Penny options currently, but to reduce the applicable Taker rebate. As it relates to Market Maker transactions, the Exchange is proposing to assess the same Taker fee for SPY, QQQ and IWM as the fee applicable to Penny options currently, but to reduce the applicable Maker fee.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange is one of only 20 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than approximately 18.1% of the market share and currently the Exchange represents only approximately 0.4% of the market share.[14] In such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, discontinue, or reduce use of certain categories of products in response to fee changes. Accordingly competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange's Fee Schedule sets forth standard rebates and rates applied per contract.

Under the new category of transactions fees and rebates assessed for SPY, QQQ, and IWM options, the Exchange is proposing the following: For Customer transactions, the Exchange is proposing to provide a rebate of ($0.28) per contract for executions that add liquidity and a rebate of ($0.21) per contract for executions that remove liquidity in SPY, QQQ, and IWM options. Accordingly, the Exchange notes that Customers will receive the same Maker rebate for all Penny options, including SPY, QQQ and IWM, however, the Exchange is proposing to reduce the Taker rebate for executions of SPY, QQQ and IWM options from ($0.48) per contract to ($0.21) per contract.

For SPY, QQQ, and IWM Market Maker transactions, the Exchange is proposing to assess a fee of $0.20 per contract for executions that add liquidity and a fee of $0.50 per contract for executions that remove liquidity. Accordingly, the Exchange notes that Market Makers will be assessed the same Taker fee for all Penny options, including SPY, QQQ and IWM, however, the Market Maker Maker fee for executions of SPY, QQQ and IWM options is lower than that assessed for executions of all other Penny options, which will continue to be $0.50 per contract.

Lastly, as noted above, for all other transactions (*i.e.,* Professional, Firm, Away Market Maker, and Broker-Dealer), the Exchange is proposing to assess a fee of $0.50 per contract for executions that add liquidity in SPY, QQQ and IWM options, and a fee of $0.50 per contract for executions that remove liquidity in SPY, QQQ, and IWM Options. As such, the fees assessed to add and remove liquidity will remain the same across all Penny symbols, including SPY, QQQ, and IWM options for these capacities under this proposal.

The purpose of establishing separate fees for SPY, QQQ and IWM options and reducing the applicable Customer Taker rebate and Market Maker Maker fee is for business and competitive reasons as the Exchange believes that these changes would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging executions which add liquidity to the MX2 Options Book. The Exchange believes that the proposed rebates and fees continue to be in line with provided by other options exchange exchanges and will continue to incentivize Members to route order flow to the Exchange.[15]

2. Statutory Basis

The Exchange believes that its proposal to amend the Options Fee Schedule is consistent with the provisions of Section 6(b)[16] of the Act in general, and furthers the objectives of Sections 6(b)(4)[17] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees and rebates are consistent with the objectives of Section 6(b)(5)[18] of the Act in that they are designed 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 a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

MX2 Options operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[19]

Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants.

[14] Market share percentage calculated as of October 29, 2026. The Exchange receives and processes data made available through the consolidated data feeds (*i.e.,* OPRA).

[15] *See, e.g.,* the BOX Options Fee Schedule (available at: *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/nasdaq-options-7*), which reflects which reflects a Customer Maker rebate of $0.00 per contract Customer Taker Fee ranging from $0.00 to $0.10 depending on the capacity of the contra-party in SPY/QQQ/IWM options, and a Market Maker Maker fee of $0.00 per contract and Market Maker Taker fee of $0.50 per contract in SPY/QQQ/IWM Options. *See also,* the MIAX Sapphire fee schedule, (available at: *https://www.miaxglobal.com/markets/us-options/sapphire-options/fees*), which reflects a Customer Maker rebate of ($0.30) per contract, and Customer Taker Rebate of ($0.19) in SPY/QQQ/IWM options, and a Market Maker Maker fee of $0.20 per contract and Market Maker Taker fee of $0.50 per contract in SPY/QQQ/IWM Options.

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4).

[18] 15 U.S.C. 78f(b)(5).

[19] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

The Exchange's proposal to establish a separate category within the fee structure for SPY, QQQ and IWM transactions is reasonable, equitable, and not unfairly discriminatory because pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in the most actively traded options classes.[20] The Exchange believes that the proposal is equitable and not unfairly discriminatory because the separate SPY, QQQ, and IWM rates will apply equally to all Members in the same capacity. The Exchange notes that the proposal does not change the fees or rebates applicable to Penny options other than SPY, QQQ, and IWM or to Non-Penny options.

The Exchange believes that reducing the Taker rebate for Customer transactions in SPY, QQQ, and IWM from ($0.48) to ($0.21) per contract is reasonable because the Exchange will continue to provide Customers a rebate for both adding and removing liquidity in SPY, QQQ, and IWM, as compared to other origins which are not rebated at all, and the proposed ($0.21) Taker rebate is comparable to the Taker rebate that at least one other exchange provides for Customer transactions in SPY, QQQ, and IWM.[21] The Exchange also believes that it is reasonable to maintain the Customer Maker rebate for SPY, QQQ, and IWM at ($0.28) per contract because, consistent with the structure of the SPY, QQQ, IWM rebates provided by other exchanges, the rebate for adding liquidity will continue to exceed the rebate for removing liquidity, which the Exchange believes will encourage Customers to post resting liquidity on the Exchange. The Exchange believes that Customer activity enhances liquidity on the Exchange for the benefit of all market participants by providing more trading opportunities, which attracts Market Makers, and that an increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The proposed Customer Taker rebate will apply equally to all Customers and is therefore equitable and not unfairly discriminatory.

The Exchange believes that reducing the Maker fee for Market Maker transactions in SPY, QQQ, and IWM from $0.50 to $0.20 per contract is reasonable because it lowers the fee charged to Market Makers for providing liquidity to the MX2 Options Book in highly liquid options classes and is designed to attract additional Market Maker quoting and resting liquidity in SPY, QQQ, and IWM to the Exchange. The proposed $0.20 Maker fee is identical to the Maker fee that at least one other exchange assesses to Market Makers for transactions in SPY, QQQ, and IWM.[22] The Exchange believes that it is equitable and not unfairly discriminatory to assess a lower Maker fee to Market Makers than to other Non-Customer origins because Market Makers, unlike other Non-Customer origins, are subject to quoting and other obligations pursuant to the Exchange's Rules,[23] and provide liquidity that benefits all market participants by providing more trading opportunities and tighter spreads. The proposed Maker fee will apply equally to all Market Makers.

For the reasons discussed above, the Exchange submits that its proposed fee structure and changes to the Options Fee Schedule satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act[24] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to decrease the Exchange's expenditures, generate additional revenue with respect to its transaction pricing, and incentivize market participants to direct additional order flow to the MX2 Options platform, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants. Further, the proposed fees and rebates are comparable to those assessed by other options exchanges.[25] As a result, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''[26]

Intramarket Competition

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 the proposed fees and rebates apply equally to all Members in the same capacity. The proposed reduced Customer Taker Rebate and Market Maker Maker fee are intended to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing, in a manner that is comparable with the rebates offered by other exchanges for executions in the same capacities that remove and add liquidity, respectively. As such, the Exchange does not believe the proposed changes would impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 19 other options exchanges and off-exchange venues. Therefore, no exchange possesses significant pricing power in the execution of option order flow. To the contrary, the Exchange believes that the proposed pricing will increase competition and is intended to draw SPY, QQQ, and IWM volume to the Exchange. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities

[20] *See supra* note 13.

[21] *See supra* note 15.

[22] *Id.*

[23] *See* Exchange Rule 22.6, Market Maker Quotations.

[24] 15 U.S.C. 78f(b)(4) and (5).

[25] *See supra* note 15.

[26] *See supra* note 19.

markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [27] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[28] Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [29] and Rule 19b-4(f)(2) [30] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[27] *Id.*

[28] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 240.19b-4(f)(2).

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–MX2–2026–11 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–MX2–2026–11. 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–MX2–2026–11 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23188 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106861; File No. SR–NYSEARCA–2026–109]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Franklin Responsibly Sourced Gold ETF

November 9, 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 October 30, 2026, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Franklin Responsibly Sourced Gold ETF (the ''Fund''), shares of which are currently listed and traded on the Exchange pursuant to Rule 8.201–E (Non-Generic), to list and trade on the Exchange pursuant to Rule 8.201–E (Generic). The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fund, shares of which are currently listed and traded on the Exchange pursuant to Rule 8.201–E (Non-Generic), to list and trade on the Exchange pursuant to Rule 8.201–E (Generic).[4]

The Commission approved the listing and trading of shares of the Fund (the ''Shares'') on the Exchange under Rule 8.201–E (Non-Generic) on April 19, 2022.[5] Rule 8.201–E (Non-Generic) governs the listing and trading of Commodity-Based Trust Shares, which are securities issued by a trust (''Trust'') that holds a specified commodity, or a specified commodity and, in addition to such specified commodity, cash, that is issued by such Trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash, and that, when aggregated in the same specified minimum amount, may be redeemed by such Trust.

On July 28, 2026, the Commission approved a proposed rule change to amend Rule 8.201–E (Generic).[6] Rule 8.201–E (Generic), as amended, allows for up to 15% of a trust's net asset value (NAV) to consist of digital commodities or securities that do not independently meet the core generic eligibility criteria; adds ''digital commodity'' [7] as a defined term; and allows for actively managed Commodity-Based Trust Shares.[8]

The Exchange proposes to now list and trade the Shares of the Fund pursuant to the generic listing standards set forth in Rule 8.201–E (Generic), as amended, which would permit the Fund to operate in reliance on the generic listing standards in Rule 8.201–E (Generic), as amended, instead of the terms of the Original Approval Order. The Exchange represents that the Shares will meet the requirements of Rule 8.201–E (Generic), as amended, on an initial and continued listing basis. In addition, the Exchange will comply with the requirements of Rule 19b–4(e) to list and trade Shares of the Fund on the Exchange.

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) [9] of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would allow the Fund to be listed and traded under Rule 8.201–E (Generic), as amended, instead of Rule 8.201–E (Non-Generic). The proposed change would permit the Fund to operate in reliance on the generic listing standards in Rule 8.201–E (Generic), as amended, instead of the terms of the Original Approval Order, thereby facilitating the listing and trading of an exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange represents that the Shares will meet the requirements of Rule 8.201–E (Generic), as amended, on an initial and continued listing basis.

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 purpose of the Act. As discussed above, the proposed change is intended to facilitate the initial and continued listing and trading of the Shares on the Exchange, thereby promoting competition among exchange-traded products to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

[4] On September 17, 2025, the Exchange adopted new NYSE Arca Rule 8.201–E (Generic). In connection with the adoption of new NYSE Arca Rule 8.201–E (Generic), the Exchange renamed Rule 8.201–E as Rule 8.201–E (Non-Generic). *See* Securities Exchange Act Release No. 103995 (September 17, 2025) (SR–NASDAQ–2025–056; SR–CboeBZX–2025–104; SR–NYSEARCA–2025–54) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to Adopt Generic Listing Standards for Commodity-Based Trust Shares).

[5] *See* Securities Exchange Act Release No. 94746 (April 19, 2022), 87 FR 24357 (April 25, 20222 [sic]) (SR–NYSEARCA–2021–73) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Franklin Responsibly Sourced Gold ETF Under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) (the ''Original Approval Order'').

[6] *See* Securities Exchange Act Release No. 106001 (July 28, 2026), 91 FR 48462 (July 31, 2026) (SR–NYSEARCA–2026–42) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Amend NYSE Arca Rule 8.201–E (Generic) Commodity-Based Trust Shares).

[7] Under Rule 8.201–E(c)(4), the term ''digital commodity'' means a commodity that is a digital asset and is intrinsically linked to and derives its value from the programmatic operation of a functional crypto system, as well as supply and demand dynamics, rather than from the expectations of profits from the essential managerial efforts of others.

[8] Commodity-Based Trust Shares are securities issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator, and is not registered as an investment company; that, consistent with the Trust's investment objective and policies, holds (A) one or more commodities or commodity-based assets, and (B) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; is issued by a Trust in a specified aggregate minimum number in return for a deposit of (A) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and cash equivalents or (B) a cash amount with a value based on the next determined NAV per Trust share; and when aggregated in the same specified minimum number, may be redeemed at a holder's request by a Trust which will deliver to the redeeming holder (A) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and cash equivalents or (B) a cash amount with a value based on the next determined NAV per Trust share.

[9] 15 U.S.C. 78f(b)(5) [sic].

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of 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.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–109 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–109. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–109 and should be submitted on or before December 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–23106 Filed 11–12–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Fiscal Year List of Requests From States or Tribes for a Small Business Administration Disaster Declaration

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This notice provides an updated list of requests received by the U.S. Small Business Administration to make a disaster declaration for a state, territory, or tribe. The published list complies with a directive in the explanatory statement of the Consolidated Appropriations Act, 2026, Public Law 119–75.

DATES: Issued on November 9, 2026.

FOR FURTHER INFORMATION CONTACT: Eric Wall, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6739.

SUPPLEMENTARY INFORMATION: Notice is hereby given as of October 31, 2026, the following requests have been made to the U.S. Small Business Administration in Fiscal Year 2027 to declare a disaster.

State	Disaster date(s)	Disaster description	Date of state request to SBA	Approval status	Date of declaration
Indiana	June 6–26, 2026	Severe Storms, Tornadoes, Straight-line Winds, and Flash Flooding.	September 17, 2026	Approved	October 9, 2026.
Puerto Rico	August 4–September 29, 2026.	Severe Drought	September 18, 2026	Approved	October 7, 2026.
Oregon	July 15–August 24, 2026	Mid-July Storms and Wildfires.	September 29, 2026	Approved	October 1, 2026.
Connecticut	September 13, 2026	Severe Storms and Flash Flooding.	September 30, 2026	Approved	October 2, 2026.
Missouri	July 9, 2026–July 11, 2026.	Severe Storms, Straight-line winds and Flooding.	September 30, 2026	Approved	October 5, 2026.
South Carolina	September 17, 2026	Walhalla Main Street Fire	October 7, 2026	Approved	October 9, 2026.
Arizona	August 29, 2026–September 3, 2026.	Flash Flooding at Grand Canyon National Park.	October 7, 2026	Approved	October 13, 2026.
Colorado	June 27–July 29, 2026	Wildfires, Flooding, and Mudslides.	October 9, 2026	Approved	October 14, 2026.
Minnesota	July 11, 2026	Boundary Waters Canoe Area Wilderness Wildfires.	October 9, 2026	Approved	October 22, 2026.
Washington	July 23, 2026–August 31, 2026.	Eastern Washington Wildfires.	October 14, 2026	Approved	October 22, 2026.
New York	September 3, 2026	Severe Storms and Flooding.	October 16, 2026	Approved	October 19, 2026.
West Virginia	June 22, 2026–June 23, 2026.	Severe Storm, Flooding, Landslides and Mudslides.	October 19, 2026	Approved	October 21, 2026.
Nebraska	September 30–October 1, 2026.	Remnants of Hurricane Polo.	October 19, 2026	Approved	October 27, 2026.
Indiana	September 17, 2026	Severe Storms and Flooding.	October 21, 2026	Approved	October 26, 2026.
Kentucky	June 18–June 27, 2026	Severe Storms, Straight-line winds, Tornadoes, and Flooding.	October 21, 2026	Approved	October 26, 2026.
Colorado	June 27–July 29, 2026	Wildfires, Flooding, and Mudslides.	October 22, 2026	Approved	October 23, 2026.
Pennsylvania	September 12–September 20, 2026.	Severe Storms and Flooding.	October 22, 2026	Approved	October 23, 2026.

[13] 17 CFR 200.30–3(a)(12).

State	Disaster date(s)	Disaster description	Date of state request to SBA	Approval status	Date of declaration
Colorado	June 28, 2026–September 16, 2026.	Willow Fire	October 22, 2026	Approved	October 23, 2026.
Colorado	July 9, 2026–October 1, 2026.	Elk Fire	October 22, 2026	Approved	October 23, 2026.
California	September 25, 2026	East Oakland Apartment Fire.	October 23, 2026	Approved	October 27, 2026.
South Dakota	June 28–July 3, 2026	Severe Storms, Straight-line Winds, Tornadoes, and Flooding.	October 26, 2026	Approved	October 29, 2026.

(Catalog of Federal Domestic Assistance Number 59008)

Authority: 13 CFR 123.3(b).

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–23179 Filed 11–12–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–14059]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves the noise certification regulations of 14 CFR part 36 for aircraft. This includes information collection requirements for the noise certification of subsonic aircraft-jet airplanes and subsonic transport category large airplanes, small propeller driven airplanes and rotorcraft. The information collected are the results of noise certification tests that demonstrate compliance with 14 CFR part 36. The original information collection was implemented to show compliance in accordance with the Aircraft Noise Abatement Act of 1968; that statute is now part of the overall codification of the FAA's regulatory authority over aircraft noise in 49 U.S.C. 44715. The noise compliance report is used by the FAA in making a finding that the airplane is in noise compliance with the regulations. These compliance reports are required only once when an applicant wants to certificate an aircraft type. Without this data collection, the FAA would be unable to make the required noise certification compliance finding.

DATES: Written comments should be submitted by January 12, 2027.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Christopher Hobbs, Attn: AEE–100, 800 Independence Ave. SW, Suite 900W, Washington, DC 20591.

By fax: 202–267–5594.

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.

FOR FURTHER INFORMATION CONTACT: Christopher Hobbs by email at: *christopher.m.hobbs@faa.gov;* phone: 202–267–7345.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0659.

Title: Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The aircraft noise information collected are the results of noise certification tests that demonstrate compliance with 14 CFR part 36. The original information collection was implemented to show compliance in accordance with the Aircraft Noise Abatement Act of 1968; that statute is now part of the overall codification of the FAA's regulatory authority over aircraft noise in 49 U.S.C. 44715. For this renewal, the FAA proposes in this PRA collection 18 total noise certification projects per year. Each applicant's collected information is incorporated into a noise compliance report that is provided to and approved by the FAA. The noise compliance report is used by the FAA in making a finding that the airplane is in noise compliance with the regulations. These compliance reports are required only once when an applicant wants to certificate an aircraft type. Without this data collection, the FAA would be unable to make the required noise certification compliance finding.

Respondents: Aircraft manufacturer/applicant seeking type certification;

Frequency: Estimated 18 total applicants per year;

Estimated Average Burden per Response: Estimated 200 hours per applicant for the compliance report;

Estimated Total Annual Burden: $20,912 per applicant or cumulative total $376,416 per year for 18 applicants.

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

Christopher Hobbs,

General Engineer, Office of Environment and Energy, Noise Division (AEE–100).

[FR Doc. 2026–23111 Filed 11–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2026–0001]

Proposed Information Collections; Comment Request (No. 100)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the continuing or proposed information collections listed below in this document.

DATES: We must receive your written comments on or before January 12, 2027.

ADDRESSES: You may send comments on the information collections described in this document using one of these two methods:

- *Internet*—To submit comments electronically, use the comment form for this document posted on the ''*Regulations.gov*'' e-rulemaking website at *https://www.regulations.gov* within Docket No. TTB–2026–0001.
- *Mail*—Send comments to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit separate comments for each specific information collection described in this document. You must reference the information collection's title, form number or recordkeeping requirement number (if any), and OMB control number in your comment.

You may view copies of this document, the relevant TTB forms, and any comments received at *https://www.regulations.gov* within Docket No. TTB–2026–0001. TTB has posted a link to that docket on its website at *https://www.ttb.gov/rrd/information-collection-notices.* You also may obtain paper copies of this document, the listed forms, and any comments received by contacting TTB's Paperwork Reduction Act Officer at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; 202–453–1039, ext. 135; or complete the Regulations and Rulings Division contact form at *https://www.ttb.gov/contact-rrd.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections described below, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this document will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether an information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information has a valid OMB control number.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms, letterhead applications or notices, recordkeeping requirements, questionnaires, or surveys:

OMB Control No. 1513–0005

Title: Brewer's Notices; and Letterhead Applications and Notices Filed by Brewers.

TTB Form Number: TTB F 5130.10.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5401 requires brewers to file a notice of intent to operate a brewery and at 26 U.S.C. 5411, 5412, 5414, 5415, and 5417 it authorizes certain other operations at breweries, all under regulations issued by the Secretary of the Treasury (the Secretary). Under those authorities, the TTB regulations in 27 CFR part 25 require new brewers to file a ''Brewer's Notice'' with TTB prior to commencing operations and to amend their Notice when making certain changes to their business or when there is a change in their eligibility for the exemption from the requirement to maintain a brewer's bond. The part 25 regulations also require brewers to file a letterhead application or notice regarding certain changes or operations at their brewery. This information collection is necessary to protect the revenue and ensure that brewers conduct their operations in compliance with Federal laws and regulations.

Current Actions: There are no program changes to this information collection at this time, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the estimated number of annual respondents, responses, and total burden hours associated with this collection but is increasing the estimated average number of annual responses per respondent.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 4,775.
- *Average Responses per Respondent:* 1.6523.
- *Number of Responses:* 7,890.
- *Average Per-response Burden:* 0.8986 hours.
- *Total Burden:* 7,090 hours.

OMB Control No. 1513–0051

Title: Application for an Alcohol Fuel Producer Permit Under 26 U.S.C. 5181.

TTB Form Number: TTB F 5110.74.

Abstract: Under the authority of the IRC at 26 U.S.C. 5181(a)(1), persons wishing to establish a distilled spirits plant for the sole purpose of producing and receiving distilled spirits for fuel use must provide an application and bond as the Secretary prescribes by regulation. Under that authority, TTB has issued regulations concerning alcohol fuel plants (AFPs) in 27 CFR part 19, subpart X. Those regulations require new AFP proprietors to apply for an alcohol fuel producer permit using form TTB F 5110.74 and require existing AFP proprietors to make certain amendments to their permit information using that same form, which identifies or describes the applicant, the proposed AFP's location, layout and stills, its size category (small, medium, or large) based on the amount of alcohol fuel to be produced annually, and its security measures. The collected information allows TTB to determine the applicant's eligibility under the IRC to obtain or modify an alcohol fuel producer permit, and to determine whether the applicant's AFP operations will conform to Federal law and regulations. Such determinations are necessary to protect the revenue as distilled spirits produced at an AFP are potable and subject to Federal excise tax until denatured for fuel use. Once distilled spirits are denatured at an AFP, the resulting alcohol fuel may be withdrawn free of tax as authorized by the IRC at 26 U.S.C. 5214(a)(12).

Current Actions: There are no program changes to this information collection at this time, and TTB is

submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the estimated number of annual respondents, responses, and total burden hours associated with this collection but is increasing the estimated average number of annual responses per respondent.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; Individuals or households.

Estimated Annual Burden

- *Number of Respondents:* 20.
- *Average Responses per Respondent:* 1.2.
- *Number of Responses:* 24.
- *Average Per-response Burden:* 1.5 hours.
- *Total Burden:* 36 hours.

Dated: November 5, 2026.

Amy R. Greenberg,

Acting Assistant Administrator, Headquarters Operations.

[FR Doc. 2026–23078 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

United States Mint

Citizens Coinage Advisory Committee Public Meeting Addendum

ACTION: Amended notice of meeting.

Notice is hereby given of an addition to the agenda for the public meeting of the Citizens Coinage Advisory Committee (CCAC) scheduled for November 17, 2026, which was published in the **Federal Register** on October 30, 2026, 91 FR 68620, Doc 2026–22243.

The meeting agenda is amended to add the following subject: discussion of potential new designs for the dime.

As stated in the original **Federal Register** notice, the meeting will be broadcast to the public via the United States Mint's YouTube channel.

(Authority: 31 U.S.C. 5135(b)(8)(C).)

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2026–23122 Filed 11–12–26; 8:45 am]

BILLING CODE 4810–37–P



FEDERAL REGISTER

Vol. 91 Friday,
No. 218 November 13, 2026

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

9 CFR Part 11
Horse Protection; Proposed Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. APHIS–2026–0067]

RIN 0579–AE93

Horse Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: On May 8, 2024, the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture published in the **Federal Register** a final rule that amended the regulations promulgated under the Horse Protection Act (the May 2024 Horse Protection final rule). APHIS is proposing to remove the provisions of the May 2024 Horse Protection final rule that have been vacated by court order and proposing to withdraw the remaining non-vacated provisions of the May 2024 Horse Protection final rule to ensure that the regulations afford due process and better align with the Act. APHIS is also proposing to amend the regulations by revising, among other things, the certification requirements for training and licensing of designated qualified persons (DQPs); enhancing DQP inspection procedures and the process for appealing APHIS inspections before any possible disqualification by management; and clarifying that if a horse is determined to be sore, it is disqualified from participating in the class in which the inspection took place and not the entire event.

DATES: We will consider all comments that we receive on or before December 14, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–0067 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–0067, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave, Beltsville, MD, 20740.

Supporting documents and any comments we receive on this docket may be viewed at *Regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Martha Keller, DVM, Director of the Center for Animal Welfare, Animal Care, 2150 Centre Ave. Bldg. B, Mailstop 3W11, Fort Collins, CO 80526; (970) 821–5734.

SUPPLEMENTARY INFORMATION:

Background

Under the Horse Protection Act (HPA, or the Act, 15 U.S.C. 1821 *et seq.*), the Secretary of Agriculture is authorized to promulgate regulations necessary to carry out the purposes of the Act, which include eliminating the cruel practice of soring horses and promoting fair competition.

The Secretary has delegated responsibility for administering the Act to the Administrator of the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the Act has been delegated to the Deputy Administrator for Animal Care. Regulations established under the Act are contained in 9 CFR part 11 (referred to below as the regulations), and 9 CFR part 12 lists the rules of practice governing administrative proceedings.

In the three headings immediately below, we provide a summary, first, of the sections of the Act, then, of the sections of the current regulations, and lastly, of the sections of the final rule we published on May 8, 2024, referred to below as the May 2024 Horse Protection final rule (89 FR 39194–39251, Docket No. APHIS–2022–0004).

Summary of the Horse Protection Act

The current structure of the HPA is summarized below.

Section 1821 of the Act, ''Definitions'' (15 U.S.C. 1821), contains definitions of terms used in the Act. Saliently for this proposed rule, the Act defines a ''sore'' horse as follows: ''The term 'sore' when used to describe a horse means that:

(A) an irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,

(B) any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(C) any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(D) any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.''

Section 1822 of the Act contains a Congressional statement of findings. In addition to declaring that the soring of horses is cruel and inhumane, Congress further finds that the movement, showing, exhibition, or sale of sore horses in intrastate commerce adversely affects and burdens interstate and foreign commerce and creates unfair competition.

Section 1823 of the Act contains requirements pertaining to horse shows, exhibitions, sales, and auctions. Paragraph (a) of the section requires the management of horse shows and exhibitions to disqualify any horse from being shown or exhibited if the horse is sore or if the management has been notified by a person appointed by the management in accordance with regulations issued by USDA or by USDA that the horse is sore.

Paragraph (b) of the section contains similar requirements directed to the management of horse sales or auctions and prohibits sore horses from being sold, auctioned, or exhibited for the purpose of sale.

Paragraph (c) of the section requires the Secretary to prescribe, by regulation, requirements for the appointment by the management (of any horse show, horse exhibition, or horse sale or auction) of persons qualified to detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act (referred to as a designated qualified person, or DQP, below). The paragraph further prohibits the appointment of persons who, after notice and opportunity for a hearing, have been disqualified by the Secretary to make such detection, diagnosis, or inspection and prohibits any person appointed by management from conducting inspections in a manner other than that set forth in paragraph (e) of the same section, which contains conditions for USDA's inspection of horses.

Paragraph (d) of the section requires the management of horse shows, horse exhibitions, horse sales, and auctions to maintain records, make reports, and

provide information, as the Secretary may by regulation reasonably require for the purposes of implementing or to determine compliance with the Act. It also requires management to permit entry of officers and employees duly designated by the Secretary, upon request and at all reasonable times, in order for the officers or employees to inspect or copy such records.

Finally, paragraph (e) of the section provides that the Secretary or any representative of the Secretary duly designated by the Secretary, may inspect any horse show, exhibition, sale, or auction or any horse at such events for purposes of enforcing the HPA.

Section 1824 lists prohibited acts under the Act. The following acts are prohibited:

- Shipping, transporting, moving, delivering, or receiving a horse which is sore and with reason to believe that such horse while it is sore may be shown, exhibited, entered for the purposes of being shown or exhibited, sold, auctioned, or offered for sale in any horse show, exhibition, sale, or auction, with exceptions for common or contract carriers and their employees;
- Showing or exhibiting at a horse show or exhibition any horse which is sore; entering any horse which is sore at a horse show or exhibition for the purpose of showing or exhibiting the horse; selling, auctioning, or offering for sale, in any horse show or auction, any horse which is sore; or allowing the owner of a sore horse to engage in any of the above activities;
- If management of a horse show or exhibition does not appoint and retain a designated qualified person, failing to disqualify a horse which is sore from being shown or exhibited;
- If management of a horse sale or auction does not appoint and retain a designated qualified person, failing to prohibit the sale, offering for sale, or auction of a horse which is sore;
- If management of a horse show or exhibition appoints and retains a designated qualified person, failing to disqualify a horse which is sore from being shown or exhibited, when management has knowledge that the horse is sore or after the management has been informed by the inspector or USDA that the horse is sore;
- Showing or exhibiting, selling or auctioning; allowing to be shown, exhibited, or sold; entering for purposes of showing or exhibiting; or offering for sale a horse that ''is wearing or bearing any equipment, device, paraphernalia, or substance'' that the Secretary by regulation prohibits to prevent the soring of horses;
- Failing to establish, maintain, or submit records, notices, reports, or other information as required by the Act and regulations established under the Act;
- Failing or refusing to permit access to or copying of records, or failing or refusing to permit entry or inspection as required by the Act;
- Removing any marking required by the Secretary to identify a horse as being detained; and
- Failing or refusing to provide USDA with adequate space or facilities, as prescribed by regulation, in which to conduct inspections or other authorized activities.

Section 1825 of the Act allows for the assessment of criminal and civil penalties for violations of the Act; provides for judicial review of civil penalties; allows USDA to disqualify from showing or exhibiting any horse, judging or managing any horse show, exhibition, sale, or auction persons who have been convicted in a criminal case for violating the Act, who have paid a civil penalty assessed under the Act, or who are subject to a final order assessing a civil penalty under the Act; and sets forth procedures for such a hearing. The section also allows USDA to detain for up to 24 hours a horse which is sore, or which USDA has probable cause to believe is sore, at a horse show, exhibition, or horse sale, or auction, for purposes of examination, testing, or taking of evidence; and to temporarily mark any detained horse. It also prohibits detained horses from being moved without authorization from the place they are detained. It also establishes a presumption that a horse is sore if it manifests abnormal sensitivity or inflammation in both of its forelimbs or both of its hindlimbs in any civil or criminal action to enforce the Act or regulations.

Section 1826 requires the Secretary to notify the Attorney General if the Secretary believes a willful violation of the Act has occurred and prosecution is needed to obtain compliance, while also allowing the Attorney General to take such action as deemed necessary.

Section 1827 directs the USDA to use, to the maximum extent practicable, existing USDA personnel and facilities in carrying out the purposes of the Act. With the consent of a State, USDA may also use State officers and employees to assist in carrying out the Act. USDA is also authorized to provide technical and other nonfinancial assistance to a State to assist it in enforcing State laws that prohibit conduct that is also prohibited in the Act.

Section 1828 allows USDA to issue rules and regulations necessary to carry out the Act; section 1829 contains terms related to Federal preemption and concurrent jurisdiction; and section 1831 authorizes appropriations to carry out the Act. (Section 1830 is omitted).

Summary of Current Regulations

The current structure of the regulations in 9 CFR parts 11 and 12 is summarized below.

Section 11.1, ''Definitions,'' lists the definitions for terms used throughout part 11. It contains definitions of the following terms: *Act, Action device, Administrator, Animal and Plant Health Inspection Service (APHIS), APHIS representative, APHIS Show Veterinarian, Department, Designated Qualified Person* or *DQP, Exhibitor, Horse, Horse exhibition, Horse industry organization or association, Horse sale or horse auction, Horse show, Inspection, Lubricant, Management, Person, Regional Director, Secretary, Show manager, Sore, Sponsoring organization,* and *State.*

Section 11.2, ''Prohibitions concerning exhibitors,'' lists general and specific prohibitions for any device, method, practice, or substance used on any horse at any horse show, exhibition, sale, or auction, competition restrictions for 2-year-old Tennessee Walking Horses (TWHs) and racking horses; and horse-related information requirements under the Act and regulations.

In § 11.2(a), the general prohibitions state that, ''Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.'' Specific prohibitions regarding devices, equipment, or practices on any horse at any horse show, exhibition, sale, or auction are listed in paragraph (b) of § 11.2.

Paragraph (c) prohibits all substances on the extremities above the hoof of any TWH or racking horse while being shown, exhibited, or offered for sale at any horse show, exhibition, sale, or auction, except lubricants such as glycerin, petrolatum, and mineral oil, or mixtures thereof, which are furnished by the horse show, exhibition, sale, or auction. Lubricants can only be applied after the horse has been inspected by management or by a designated qualified person, and lubricants that will be applied must be made available to APHIS personnel for inspection and sampling as deemed necessary.

Paragraph (d) provides specific requirements for rest periods during horse show and horse exhibition

workouts or performances for 2-year-old TWHs and racking horses and working exhibitions for 2-year-old TWHs and racking horses at sales or auctions.

Paragraph (e) prohibits failing to provide information or providing any false or misleading information required by the Act or regulations or requested by Department representatives, by any person that owns, trains, shows, exhibits, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, exhibition, or horse sale or auction.

Under § 11.3, ''Scar rule,'' horses that do not meet the scar rule criteria are considered sore and are subject to all prohibitions of the Act. Paragraph (a) of § 11.3 states that the ''anterior and anterior-lateral surfaces of the fore pasterns (extensor surface)'' are required to ''be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.'' This section includes a footnote defining a granuloma as ''any one of a rather large group of fairly distinctive focal lesions that are formed as a result of inflammatory reactions caused by biological, chemical, or physical agents.''

Paragraph (b) of § 11.3 states that the ''posterior surfaces of the pasterns (flexor surface), including the sulcus or 'pocket' may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.''

Section 11.4, ''Inspection and detention of horses,'' includes requirements regarding inspection of horses by APHIS representatives, as well as detention of horses for inspection if an APHIS representative has probable cause to believe that a horse is sore. This section also includes provisions for maintaining the well-being of a horse in detention and for informing the owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse allegedly found to be in violation of the Act or the regulations, of such alleged violation before the horse is released from detention. Provisions for requesting reexamination and testing of detained horses within a 24-hour period are also included in this section.

Under § 11.5, ''Access to premises and records,'' paragraph (a) provides that the management ''shall, without fee, charge, assessment, or other compensation, provide APHIS representatives with unlimited access to the grandstands, sale ring, barns, stables, grounds, offices, and all other areas of any horse show, horse exhibition, or horse sale or auction, including any adjacent areas under their direction, control, or supervision for the purpose of inspecting any horses, or any records required to be kept by regulation or otherwise maintained.'' Management must also provide ''an adequate, safe, and accessible area for the visual inspection and observation of horses while such horses are competitively or otherwise performing at any horse show or horse exhibition, or while such horses are being sold or auctioned or offered for sale or auction at any horse sale or horse auction.''

Paragraph (b) of § 11.5 states that, ''Each horse owner, exhibitor, or other person having custody of or responsibility for any horse at any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, admit any APHIS representative or Designated Qualified Person appointed by management, to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, or sale or auction grounds or related areas at any horse show, horse exhibition, or horse sale or auction, for the purpose of inspecting any such horse at any and all reasonable times.'' Such persons must also promptly present their horses for inspection upon notification, orally or in writing, by any APHIS representative or DQP appointed by management for the purpose of determining whether such horse is in compliance with the Act and regulations.

Section 11.6, ''Inspection space and facility requirements,'' requires the management of every horse show, exhibition, or horse sale or auction containing TWHs or racking horses to provide, without fee, sufficient space and facilities for APHIS representatives to carry out their duties under the Act and regulations, whether or not management has received prior notification by APHIS. The management of every horse show, exhibition, sale, or auction which does not contain TWHs or racking horses must provide, without fee, sufficient space and facilities when requested to do so by APHIS representatives. Space and facility requirements include sufficient space, in a convenient location, for inspecting horses; protection from the elements; a means to control crowds and onlookers; an accessible, reliable, and convenient 110-volt electrical power source, if electrical service is available at the site and is requested by the APHIS representative; and appropriate inspection waiting and detention areas.

Section 11.7, ''Certification and licensing of designated qualified persons (DQP's),'' sets forth the qualifications and requirements for DQPs and DQP programs. Paragraph (a) of § 11.7, ''Basic qualifications of DQP applicants,'' lists basic professional qualifications required of DQP applicants and paragraph (b) lists certification requirements for DQP programs initiated and maintained by horse industry organizations or associations (HIOs). As part of maintaining a certified DQP program, HIOs are responsible for selecting, training, and licensing DQPs.

Paragraph (c) of § 11.7 contains DQP licensing requirements and paragraph (d) lists recordkeeping and other requirements to be met by HIOs and DQPs. Paragraph (d) provides that HIOs must submit records on a monthly basis to APHIS containing details of horse shows, exhibitions, sales, and auctions at which DQPs appointed by management inspect horses. Paragraph (e) of § 11.7 prohibits the management of any horse show, exhibition, sale, or auction from appointing any person to detect and diagnose horses which are sore or to otherwise inspect horses for the purpose of enforcing the Act if such person does not hold a valid DQP license, if the license is canceled, or if, after notice and opportunity for a hearing, the person has been disqualified by the Secretary from performing diagnosis, detection, and inspection under the Act.

Paragraph (f) contains provisions for canceling a DQP license. Concluding this section, paragraph (g) provides the process for revoking the DQP program certification of an HIO after notice and opportunity for a hearing.

Sections 11.8 through 11.18 currently are omitted from Part 11.

Section 11.19 provides for the authorization and inspection of Horse Protection Inspectors (HPIs). This section was added to the regulations in May 2024 Horse Protection final rule to replace DQPs with HPIs. For reasons discussed below, it is the only section of the final rule in effect.

Paragraph (a) of § 11.20 lists the responsibilities and liabilities of the management of any horse show, exhibition, sale, or auction which does not appoint and retain a DQP to inspect horses, noting that in such cases, management is responsible for identifying all horses that are sore or otherwise in violation of the Act or regulations and disqualifying or disallowing any such horses from

participating or competing in any horse show, exhibition, horse sale, or horse auction. In addition, any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition, must be removed from further participation prior to the tyeing of the class or the completion of the exhibition. All horses tyed first in each TWH or racking horse class or event at any horse show or exhibition shall be inspected after being shown or exhibited to determine if such horses are sore or otherwise in violation of the Act or regulations.

Paragraph (b) of § 11.20 also includes responsibilities for the management of any horse show, exhibition, sale, or auction which designates and appoints one or more DQPs to inspect horses. In such case, management must afford the DQP access to all records and areas of the grounds of such show, exhibition, sale, or auction, and the same right to inspect horses and records as is afforded to any APHIS representative, and must not take any action which would interfere with or influence a DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations. This section also specifies procedures for management to follow should they be dissatisfied with a DQP's performance; identifies the horses DQPs must physically inspect at horse shows, exhibitions, sales, and auctions and when DQPs must report alleged violations of the Act or regulations to management; and establishes the minimum number of DQPs that management must designate and appoint, based on the number of horses entered in an event. The regulations currently provide that management must appoint and designate at least 2 DQPs when more than 150 horses are entered.

Section 11.21 lists inspection procedures that DQPs must follow, including requirements for walking and turning the horse in a manner that allows the DQP to determine whether the horse exhibits signs of soreness. This section also includes the procedure for palpation to detect soreness, as well as procedures for conducting horses through other elements of the inspection process.

Under § 11.22, ''Records required and disposition thereof,'' the management of any horse show, exhibition, sale, or auction, that contains TWHs or racking horses is required to maintain for at least 90 days following the closing date of the show, exhibition, or sale or auction, all pertinent records. If specifically required by APHIS, management may be required to hold the records specified longer than 90 days.

In § 11.23, ''Inspection of records,'' paragraph (a) states that the management of any horse show, exhibition, sale, or auction must allow any APHIS representative, upon request, to examine and make copies of any record pertaining to any horse. Similarly, paragraph (b) requires that HIOs that train, maintain, and license DQPs under a certified DQP program must permit any APHIS representative, upon request, to examine and copy any record relating to the DQP program that are required by any part of the regulations.

In § 11.24, ''Reporting by management,'' paragraph (a) states that within 5 days following the conclusion of any horse show, exhibition, sale, or auction, containing TWHs or racking horses, management must submit to the Regional Director for the State in which the show, exhibition, sale or auction was held, information required in paragraphs (a)(1) through (a)(6) of § 11.22 for each horse excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned, and the reasons for such action. If no horses are excused or disqualified, the management shall submit a report so stating.

Paragraph (b) of § 11.24 states that within 5 days following the conclusion of any horse show, exhibition, sale, or auction which does not contain TWHs or racking horses, the management must inform the Regional Director for the State in which the show, exhibition, sale, or auction was held, of any case where a horse was excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned because it was found to be sore.

Section 11.25, ''Minimum penalties to be assessed and enforced by HIOs that license DQPs,'' lists suspensions and minimum penalties for violations of the Act and regulations. As discussed more fully below, although § 11.25 continues to appear in Part 11, USDA has been enjoined from enforcing this provision since 2015. *Contender Farms, L.L.P.* v. *U.S. Dep't of Agric.,* 779 F.3d 258, 274 (5th Cir. 2015), *remanded sub nom. Show, Inc.* v. *U.S. Dep't of Agric., No. 4:12–cv–429, slip op. (N.D. Tex. Apr. 22, 2015)* (referred to in this docket as ''*Contender Farms*'').

Sections 11.26 through 11.39 are currently omitted from Part 11. Section 11.40 lists prohibitions and requirements concerning persons involved in the transportation of certain horses, including providing APHIS with transportation information.

Section § 11.41 currently requires each HIO that sponsors or sanctions any horse show, exhibition, or horse sale or auction, to furnish the Department by March 1st of each year with all HIO rulebooks, and disciplinary procedures for the previous year, pertaining to violations of the Act or regulations that apply to such horse shows, exhibitions, sales, or auctions. Each HIO must also furnish the Department with a quarterly report of all disciplinary actions, and the results thereof, taken against any exhibitor, any licensed DQP, or the management of any horse show, exhibition, sale, or auction for violation of the Act or regulations.

Part 12 of the regulations references the rules of practice for USDA as promulgated in 7 CFR part 1 and contains supplemental rules of practice under the HPA.

Section 12.1 addresses the scope and applicability of rules of practice. These rules of practice are applicable to adjudicatory, administrative proceedings under 15 U.S.C. 1825(a)–(c). Lastly, § 12.10, ''Stipulations,'' provides that the Administrator may enter into a stipulation with any person notified of an apparent violation of the Act or regulations if that person is provided notice of the apparent violation, waives a hearing, and agrees to pay a specified civil penalty within a designated time.

Summary of the May 2024 Horse Protection Final Rule

On July 26, 2016, we published in the **Federal Register** (81 FR 49112–49137, Docket No. APHIS–2011–0009) a proposal to amend the regulations to provide that APHIS, rather than HIOs, would train and license inspectors to diagnose sored horses and determine compliance with the Act at horse shows, exhibitions, sales, and auctions. We also proposed in 2016 to amend the prohibitions on devices, equipment, substances, and practices that can cause or mask soring or can reasonably be expected to do so, particularly with respect to Tennessee Walking Horses and racking horses. On January 11, 2017, we submitted a final rule to the Office of the Federal Register (OFR) for publication. That rule was filed for public inspection, in advance of publication, on January 19, 2017. However, on January 20, 2017, the Chief of Staff for the President issued a memorandum instructing federal agencies to immediately withdraw all regulations awaiting publication at the OFR. In accordance with the

memorandum, APHIS withdrew the rule from the OFR and it did not publish. APHIS subsequently withdrew the proposed rule upon which the 2017 rule was based (86 FR 70755, Docket No. APHIS–2011–0009).

On August 13, 2019, the Humane Society of the United States and other non-governmental organizations filed a lawsuit, arguing that the 2017 rule had been duly promulgated and could not be withdrawn without first providing public notice in the **Federal Register** and an opportunity for public comment. On July 27, 2020, the U.S. District Court for the District of Columbia dismissed the suit, holding that a rule becomes final upon publication in the **Federal Register**. *Humane Soc'y of the United States* v. *United States Dep't of Agric.,* 474 F. Supp. 3d 320 (D.D.C. 2020), rev'd and remanded, 41 F.4th 564 (D.C. Cir. 2022).

On July 22, 2022, the U.S. Court of Appeals for the D.C. Circuit reversed and remanded, ruling that APHIS must provide notice and an opportunity for comment before withdrawing a rule that was available for public inspection, but not yet published in the **Federal Register**. *Humane Soc'y of the U.S.* v. *U.S. Dep't of Agric., 41 F.4th 564, 565 (D.C. Cir. 2022).*

On May 12, 2023, the U.S. District Court issued its decision on remand without vacatur but ordered that the 2017 rule would take automatic effect if the agency failed to take appropriate remedial action: Either promulgate a new HPA rule, or otherwise remedy the deficiency in the withdrawal of the 2017 rule by conducting notice and comment on the withdrawal. *Humane Soc'y of the U.S.* v. *U.S. Dep't of Agric., No. 19-cv-2458 BAH, 2023 WL 3433970 (D.D.C. May 12, 2023).* APHIS signaled to the Court its intent to remedy the deficiency by proposing to withdraw the 2017 final rule through notice and comment processes, and published in the **Federal Register** a notice of proposed rulemaking to withdraw the 2017 rule on July 21, 2023 (88 FR 47068–47071, Docket No. APHIS–2011–0009).

One month later, on August 21, 2023, we published in the **Federal Register** a proposed rule (88 FR 56924–56962, Docket No. APHIS–2022–0004) to amend the horse protection regulations to provide that APHIS will screen, train, and authorize qualified persons to conduct inspections at covered events to ensure compliance with the Act; make APHIS representatives available upon request by management to perform inspections at covered events; and prohibit the use of actions devices, non-therapeutic pads, wedges, artificial toe length extensions, and substances and substances on the pasterns of TWHs and racking horses, among other things.

On October 31, 2023, we published in the **Federal Register** a final rule withdrawing the 2017 final rule (88 FR 74336–74341, Docket No. APHIS–2011–0009). Among other reasons for the withdrawal, we cited the intervening issuance of the August 21, 2023 proposed rule.

On May 8, 2024, we published the May 2024 Horse Protection final rule in the **Federal Register** (89 FR 39194–39251, Docket No APHIS–2022–0004) amending the current regulations to comprehensively reorganize the regulations in 9 CFR part 11. The regulations under the May 2024 Horse Protection final rule are summarized below.

Section 11.1, ''Definitions,'' lists the definitions for terms used throughout part 11. It contains definitions of the following terms: *Act, Action device, Administrator, Animal and Plant Health Inspection Service (APHIS), APHIS representative, Custodian, Day(s), Department, Event manager, Exhibitor, Horse, Horse exhibition, Horse Protection Inspector (HPI), Horse sale or horse auction, Horse show, Inspection, Local area, Management, Participate, Person, Secretary, Sore, Sponsoring organization, State,* and *Therapeutic treatment.*

Section 11.2 is omitted.

Section 11.3, ''Non-interference with APHIS representatives and HPIs,'' prohibits any person from assaulting, resisting, opposing, impeding, intimidating, threatening, or interfering with APHIS representatives or HPIs, or in any way influencing attendees of a horse show, exhibition, sale, or auction or other individuals from doing the same.

Section 11.4, ''Owners, trainers, exhibitors, custodians, transporters, and any other person who has been disqualified,'' provides that any person disqualified by the Secretary from participating in any horse show, exhibition, sale, or auction shall not show, exhibit, or enter any horse, directly or indirectly through any agent, employee, corporation, partnership, or other device, and shall not judge, manage, or otherwise participate in events covered by the Act within the period during which the disqualification is in effect.

Section 11.5, ''Appeal of disqualification,'' establishes a process for the appeal of disqualifications of horses at HPA-covered events based on inspection findings of APHIS representatives and HPIs. As discussed below, on January 31, 2025, a U.S. District Court issued a decision that vacated § 11.5 of the May 2024 Horse Protection final rule. *The Tennessee Walking Horse Nat'l Celebration Ass'n* v. *U.S. Dep't of Agric., 765 F. Supp. 3d 534 (N.D. Tex. 2025)* (referred to as *Celebration* in this docket).

Section 11.6, ''Prohibitions concerning exhibitors,'' lists general and specific prohibitions on devices, methods, practices, or substances used on horses at horse shows, exhibitions, sales or auctions; competition restrictions for 2-year-old TWHs and racking horses; and horse-related information requirements under the Act and regulations.

In § 11.6(a), the general prohibitions state that, notwithstanding other provisions of the section, ''no action device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, horse sale, or horse auction if such use causes or can reasonably be expected to cause such horse to be sore or is otherwise used to mask previous and/or ongoing soring.''

Paragraph (b) lists specific prohibitions regarding action devices, equipment, or practices on any horse at any horse show, exhibition, sale, or auction.

Paragraph (c) lists specific prohibitions for TWHs and racking horses, including prohibitions on action devices, and non-therapeutic pads, non-therapeutic wedges, non-therapeutic artificial toe length extensions, and non-therapeutic substances. As discussed below, on January 31, 2025, the U.S. District Court in *Celebration* issued a decision that vacated § 11.6(c) of the May 2024 Horse Protection final rule.

Paragraph (d) of § 11.6 provides specific requirements for rest periods during horse show and horse exhibition workouts or performances for 2-year-old TWHs and racking horses and working exhibitions for 2-year-old TWHs and racking horses at sales or auctions.

Paragraph (e) of § 11.6 prohibits the failure to provide information or providing any false or misleading information required by the Act or regulations or requested by Department representatives, by any person that enters owns, trains, shows, exhibits, transports, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, exhibition, or horse sale or auction.

Section 11.7, ''Dermatologic conditions indicative of soring,'' establishes a presumption of soreness when any limb of a horse displays one or more dermatologic conditions that an

HPI or APHIS representative determine are indicative of soring. As discussed below, on January 31, 2025, the U.S. District Court in *Celebration* issued a decision that vacated § 11.7 of the May 2024 Horse Protection final rule.

Section 11.8, ''Inspection and detention of horses,'' includes requirements regarding inspection of horses by APHIS representatives and HPIs (paragraphs (a), (b), and (g)), as well as detention of horses for inspection if an APHIS representative has probable cause to believe that a horse is sore (paragraphs (c) and (d)). This section also includes provisions for maintaining the well-being of a horse held in detention (paragraph (e)) and for HPIs and APHIS representatives to inform the owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse allegedly found to be in violation of the Act or the regulations, of such alleged violation (paragraph (f)). Provisions for requesting re-inspection and testing of horses within a 24-hour period are also included in this section (paragraph (h)). As discussed below, on January 31, 2025, the U.S. District Court in *Celebration* issued a decision that vacated § 11.8(h) of the May 2024 Horse Protection final rule.

Section 11.9, ''Access to premises and records,'' paragraph (a) provides that the management of any horse show, exhibition, sale, or auction ''shall, without fee, charge, assessment, or other compensation, provide APHIS representatives and HPIs appointed by management with unlimited access to the grandstands, sale ring, barns, stables, grounds, offices, and all other areas of any horse show, horse exhibition, or horse sale or auction, including any adjacent areas under their direction, control, or supervision for the purpose of inspecting any horses, or any records required to be kept by regulation or otherwise maintained.'' Management must also provide ''an adequate, safe, and accessible area for the visual inspection and observation of horses.''

Paragraph (b) of § 11.9 provides that horse owners, trainers, exhibitors, and other persons having custody of or responsibility for horses at HPA-covered events must, ''without fee, charge, assessment, or other compensation, admit any APHIS representatives and HPIs appointed by management to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, or sale or auction grounds or related areas at any horse show, horse exhibition, or horse sale or auction, for the purpose of inspecting any such horse, at any and all times.'' Such individuals are also required to ''promptly present his or her horse for inspection upon notification, orally or in writing, by any APHIS representatives or HPIs appointed by the management that said horse has been selected for inspection for the purpose of determining whether such horse is in compliance with the Act and regulations.''

Paragraph (a) of § 11.10, ''Inspection space and facility requirements,'' requires the management of every horse show, exhibition, sale, or auction to provide, without fee, charge, assessment, or other compensation, sufficient space and facilities for APHIS representatives and HPIs appointed by management to carry out their duties under the Act and regulations when requested to do so by APHIS representatives or HPIs appointed by management, whether or not management has received prior notification or otherwise knows that such show, exhibition, sale, or auction may be inspected by APHIS. Space and facility requirements include sufficient and well-lit space in a convenient location for inspecting horses; protection from the elements; a means to control crowds and onlookers; an accessible, reliable, and convenient 110-volt electrical power source; and appropriate inspection waiting and detention areas. Paragraph (b) of § 11.10 limits the number of individuals that may accompany a horse into the warmup area.

Sections 11.11–11.12 are reserved.

Paragraph (a) of § 11.13, ''Responsibilities and liabilities of management,'' lists the responsibilities and liabilities of the management of any horse show, exhibition, sale, or auction which does not use an APHIS representative or an HPI to inspect horses, noting that in such cases, management is responsible for identifying all horses that are sore or otherwise in violation of the Act or regulations and disqualifying or prohibiting any such horses from participating or competing in any horse show, horse exhibition, horse sale, or horse auction. In addition, horses entered for sale or auction must be inspected and, as appropriate, identified as sore or otherwise in violation of the Act or regulations prior to the sale or auction and, as required by the Act, prohibited from entering the sale or auction ring. Sore horses or horses otherwise in violation of the Act or regulations that have been entered in a horse show or exhibition for the purpose of show or exhibition must be identified and disqualified prior to the show or exhibition. Any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition, must be removed from further participation immediately. All horses that placed first in each class or event at any horse show or exhibition shall be inspected after being shown or exhibited to determine if such horses are sore or otherwise in violation of the Act or regulations.

Paragraph (b) of § 11.13 includes responsibilities for the management of any horse show, exhibition, sale, or auction which uses an APHIS representative or a HPI to inspect horses. This paragraph prohibits management using APHIS representatives or HPIs from taking any action which will interfere with or influence the APHIS representative or HPI in carrying out their duties (paragraphs (b)(1) and (b)(4)). Management must retain a minimum number of HPIs (paragraph (b)(2)) and farriers (paragraph (b)(3)) based on the number of horses entered. This paragraph also describes the process for management to notify APHIS if it believes the performance of an HPI is inadequate or otherwise unsatisfactory (paragraph (b)(5) of the section). Finally, management that uses an APHIS representative or HPI must ''immediately disqualify or prohibit from showing, exhibition, sale, offering for sale, or auction of any horse identified by the APHIS representative or HPI to be sore or otherwise in violation of the Act or regulations and any horse otherwise known by management to be sore or otherwise in violation of the Act or regulations.'' Should management fail to do so, management is responsible for any liabilities arising from the showing, exhibition, sale, offering for sale, or auction of the horse (paragraph (b)(6)).

Paragraph (c) of § 11.13 lists other responsibilities of management, including ensuring that no prohibited devices or substances are in the warmup area, reviewing orders of the Secretary disqualifying persons from showing, exhibiting, judging, or managing, and verifying the identity of all horses entered in the event.

Section 11.14, ''Records required and disposition thereof,'' contains record retention requirements for management of events containing TWHs and racking horses. This section requires records, including copies of class and sale sheets, official judge's scoring cards, and event programs, to be maintained for a minimum of 90 days following the closing date of a horse show, exhibition, sale, or auction. This section also requires that management maintain information concerning horses that are

shown, exhibited, or sold with therapeutic wedges, pads, substances, or toe extensions for at least 90 days following the event.

Section 11.15, ''Inspection of records,'' provides that management must allow APHIS representatives and HPIs to examine and make copies of records that are required or otherwise maintained, upon request during business hours or such other times as may be mutually agreed upon, and to make facilities available for the copying of such records.

Section 11.16, ''Reporting by management,'' requires management to notify APHIS of any horse show, exhibition, sale, or auction at least 30 days before the event, provide information on whether they are requesting an APHIS representative to perform inspections, or, alternatively, have appointed an HPI, and provide information regarding whether management will allow horses with action devices, equipment, or practices that would otherwise be prohibited under § 11.6 but are being allowed for therapeutic treatment. Changes to the above information must be submitted to APHIS at least 15 days before the event. In addition, this section states that, within 5 days following the conclusion of any horse show, exhibition, sale, or auction containing TWHs or racking horses, management must submit to APHIS the information required in§ 11.14. If the event does not contain TWHs or racking horses, management must inform APHIS of any case where a horse was prohibited by management from being shown, exhibited, sold, or auctioned because it was found to be sore or otherwise in violation of the Act or regulations within 5 days following the conclusion of any horse show, exhibition, sale, or auction.

Section 11.17, ''Requirements concerning persons involved in transportation of certain horses,'' lists prohibitions and requirements concerning persons involved in the transportation of certain horses, including providing APHIS representatives and HPIs with transportation information.

Section 11.18, ''Utilization of inspectors,'' specifies, among other things, that management may use an APHIS representative or a currently authorized HPI to detect and diagnose horses which are sore or otherwise inspect horses for compliance with the Act or regulations.

Section 11.19, ''Authorization and training of Horse Protection Inspectors,'' establishes the application process, qualifications, and training requirements of HPIs and states that APHIS will maintain a list of HPIs on its website.

Implementation and Postponement of the May 2024 Horse Protection Final Rule

The May 2024 Horse Protection final rule was to be effective on February 1, 2025, except for § 11.19 (''Authorization and training of Horse Protection Inspectors''), which had an effective date of (and became effective on) June 7, 2024.

On July 1, 2024, the Tennessee Walking Horse National Celebration Association (TWHNCA) and two individuals filed a lawsuit in the U.S. District Court for the Northern District of Texas (*Celebration,* as referenced in this docket), raising challenges to five specific aspects of the May 2024 Horse Protection final rule: (1) The prohibition of all action devices and nontherapeutic pads on TWHs and racking horses; (2) the prohibition of all nontherapeutic substances applied above the hoof on such horses; (3) the replacement of the scar rule with the DCIS provision; (4) the process created for appealing soreness determinations by APHIS before and after competition; and (5) the replacement of DQPs with HPIs. Plaintiffs alleged that these changes ''bear no rational connection'' to achieving the goal of eliminating soring and exceed the Agency's authority under the HPA. They challenged the May 2024 Horse Protection final rule under the HPA, the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), the Fifth Amendment, and the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

On January 28, 2025, APHIS published in the **Federal Register** (90 FR 8253–8254, Docket No. APHIS–2022–0004), a postponement of the regulations in the May 2024 Horse Protection final rule, which delayed the effective date of sections 11.1 through 11.18 until April 2, 2025.

In the postponement, APHIS noted that the July 1, 2024 complaint had been amended on September 23, 2024. The amended complaint alleged, in part, that the May 2024 Horse Protection final rule exceeded APHIS' statutory authority and would have a significant economic impact on the TWH industry. The amended complaint requested vacatur of the final rule. The parties completed briefing on their cross motions for summary judgment on December 20, 2024. In the postponement, APHIS explained that it was taking the action pursuant to section 705 of the APA to temporarily preserve the regulatory status quo during the pendency of the litigation.

On January 31, 2025, the U.S. District Court issued its decision in *Celebration.* The Court held that the prohibition on the use of action devices, pads, and substances in the May 2024 Horse Protection final rule had exceeded APHIS' statutory authority; that the DCIS provision intended to replace the ''scar rule'' failed to provide adequate due process; and that the rule's pre- and post-deprivation reviews failed to provide adequate due process. In its Order, the Court vacated the above provisions found in §§ 11.5, 11.6(c), 11.7, and 11.8(h) of the May 2024 Horse Protection final rule. However, the Court held that the final rule's replacement of the DQP program with HPIs was not in excess of statutory authority, arbitrary or capricious, or in violation of the RFA.

Following the Court's decision, on March 21, 2025, APHIS published in the **Federal Register** (90 FR 13273–13276, APHIS–2022–0004) a document announcing a further delay of the effective date to February 1, 2026 and requesting comment regarding whether the length of the postponement should be extended. In that document, APHIS explained that postponement would allow it the necessary time to identify appropriate next steps regarding the regulations. We also stated that allowing the non-vacated portions of the rule to go into effect on the previously scheduled effective date would be untenable for APHIS and disruptive to the industry. We explained that we were taking the action pursuant to 5 U.S.C. 553(b)(B), 553(d)(1) and 553(d)(3).

We solicited comments concerning the length of the postponement for 60 days ending May 20, 2025. We received 6,124 submissions indicative of 93,734 total comments in response to our request. The comments were from members of Congress; State agricultural agencies and farm bureaus; HIOs; equine veterinarians and veterinary associations; animal welfare advocacy organizations; cattle grower associations; horse owners, trainers, and exhibitors; small business owners, and other interested persons.

After the close of the comment period, on June 30, 2025, a new complaint was filed in the U.S. District for the Northern District of Texas challenging aspects of the current regulations and associated guidance. *Gould* v. *U.S. Dep't of Agric., No. 2:25–CV–147–Z, 2025 WL 2402083 (N.D. Tex. Aug. 19, 2025)* (referenced in this docket as *Gould*). Specifically, the complaint challenged USDA's ''No-Showback Rule,'' (*i.e.,* a policy prohibiting horses found sore or otherwise noncompliant with the HPA or regulations from being ''shown back''

or competing in a subsequent class of the same show), the scar rule, and the adequacy of the due process protections when management disqualifies a horse based on USDA inspections conducted in accordance with § 11.4 of the regulations. Plaintiffs sought entry of a preliminary injunction to prevent USDA from enforcing these rules and policies, and on August 19, 2025, the Court granted plaintiffs' motion for preliminary injunction as to each named plaintiff.

Due to the pending lawsuit and the uncertainty of how it would affect the existing regulations, APHIS was unable to develop training content for HPIs that would have enabled it to recruit an adequate number of HPIs to provide coverage for the 2026 show season and train the HPIs to conduct inspections based on stable regulatory requirements, by the effective date of February 1, 2026. For this reason, on January 28, 2026, APHIS published in the **Federal Register** (91 FR 3633–3635, Docket No. APHIS–2022–0004) a document further delaying the effective date of the non-vacated portions of the May 2024 Horse Protection final rule, to December 31, 2026.

Additionally, in a report (H.R. Rep. 118–583) accompanying the FY 2026 Agriculture Appropriations Act, the House Appropriations Committee expressed concern regarding the May 2024 Horse Protection final rule, stating that: ''The Committee has consistently recognized the need for APHIS and the Tennessee Walking Horse industry to communicate and work together to eliminate the soring of horses. The Committee is concerned that the final rule, Horse Protection Amendments, published May 8, 2024 (89 FR 39194), ignores the strong concerns of and comments submitted by industry experts, is based on out-of-date and unreliable data, and exceeds the agency's legal authority under the Horse Protection Act. Further, the cost-benefit analysis accompanying the rule relies on data that is over a decade old and severely underestimates the impact the rule will have on the 20,000 jobs supported by the Tennessee Walking Horse industry. The Committee reiterates that an objective, science-based inspection system would provide assurance for both accuracy and fairness. Therefore, the Committee directs APHIS to withdraw the final rule and work with the industry to eliminate soring using objective, science-based protocols.'' In our January 28, 2026, document announcing the further delay of effective date, we stated that postponement would also allow APHIS to complete its ongoing review of the Committee's report.

Consistent with the January 2025 U.S. District Court order in *Celebration* vacating the May 2024 Horse Protection final rule's prohibitions on action devices, pads, and substances on TWHs and racking horses, the DCIS provision, and APHIS' re-inspection and appeals procedures, we are removing §§ 11.5, 11.6(c), 11.7, and 11.8(h) of the May 2024 Horse Protection final rule from the regulations. In addition, for the reasons discussed below, we are proposing to withdraw the non-vacated provisions of the May 2024 Horse Protection final rule, and proposing changes to the current regulations in part 11 that address the underlying concerns that led to that May 2024 Horse Protection final rule and the House Appropriations Committee's concerns, including enhancing inspection procedures and modernizing them to include diagnostic tools and techniques, and aligning the regulations with the HPA, minimizing burden on the horse industry, and involving the horse industry to achieve the purpose of Act, which is to eliminate soring and promote fair competition.

Withdrawal of the 2024 Horse Protection Final Rule

In the May 2024 Horse Protection final rule, APHIS recognized the potential for a legal challenge to the rule and considered the impact of vacatur of certain provisions of the rule. The Agency opined that ''because the acceptance, training, and authorizing of HPIs may be accomplished in advance of the other provisions of the rule, the HPI-specific provisions of the rule do not depend on the other provisions, are capable of operating independently irrespective of the implementation of the other provisions, and are thus distinct and severable from these provisions. It is thus also the Agency's intent that, should a court hold any provisions of this rule to be invalid, such action shall not affect any other provision of this rule.'' The Agency went on to provide several scenarios: ''For example, should the rule's prohibitions on the use of pads, action devices, and toe extensions within the Tennessee Walking Horse and racking horse industry be removed, HPIs could still be trained and authorized regarding the remaining provisions of the rule, as well as the Act itself, and the Agency would still have jurisdiction over such training and authorization. Likewise, should the provisions regarding DCIS be removed, HPIs could still be trained and authorized regarding the remaining provisions of the rule, as well as the Act itself, and the Agency would still have jurisdiction over such training and authorization. Finally, should the HPI-specific provisions be removed and DQPs be retained, DQPs could still be trained and authorized regarding the remaining provisions of the rule and the Act itself.''

Although APHIS considered the impact of vacatur of certain provisions of the May 2024 Horse Protection final rule, it underestimated the scope of the vacatur, which impacted not just one provision but four provisions of the rule, including provisions the Agency did not consider as part of its severability analysis: The procedures for appealing a disqualification resulting from an inspection conducted by an APHIS representative or an HPI and procedures for requesting a re-inspection of a horse (§ 11.5 and § 11.8(h)). Collectively, the U.S. District Court vacated the DCIS provision; the prohibitions on the use of pads, action devices, and substances on TWHs and racking horses; the provision establishing a process for appealing disqualifications based on inspection findings of APHIS representatives and HPIs; and the provision for requesting re-inspection by APHIS representatives and HPIs. Although APHIS initially intended to proceed with any non-vacated provisions of the May 2024 Horse Protection final rule, it did not anticipate the extent of the vacatur or the unworkable patchwork of provisions that would remain from the rule. Beyond this, the Agency did not anticipate the parallel litigation in *Gould* challenging the current regulations, or that Congress would not increase the HPA budget to provide funding necessary to implement the HPI program and the expanded scope of regulation under the May 2024 Horse Protection final rule. The District Court's broad vacatur resulted in gaps in the framework of the May 2024 Horse Protection rule. This vacatur, in combination with additional litigation and Congressional actions, has led us to reexamine the horse protection regulations in their entirety.

In considering appropriate next steps, we have carefully reviewed the House Appropriations Committee's report; prior rulemakings, public comments, and supporting analyses; the legislative and regulatory history of the HPA; APHIS' administration and enforcement of the Act; the horse industry's self-regulatory efforts; recommendations by the USDA Office of the Inspector General (OIG), the National Academies of Sciences, Engineering, and Medicine (NAS), the American Veterinary Medical Association (AVMA), and the

American Association of Equine Practitioners (AAEP); and other horse sport oversight and inspection programs.

Like the House Appropriations Committee, APHIS has long recognized the need to communicate and work with the horse industry to eliminate soring so that individuals who carefully breed and patiently train their horses have a fair chance at competing in horse shows and exhibitions, and no horse is subjected to the cruel and inhumane practice of soring. Even before Congress enacted the HPA and assigned enforcement to USDA, concerns regarding soring initially led to self-regulatory efforts by the horse industry. It was only after these initial efforts failed to curb soring within the industry, and members of the horse industry and other organizations appealed to Congress for federal legislation, that Congress responded by passing the Horse Protection Act of 1970.

Although the original 1970 Act did not acknowledge the role of HIOs and third-party industry inspectors, USDA understood, from the beginning, that ending soring was a shared responsibility. For example, in the first set of regulations issued on February 1, 1972 (37 FR 2426–2429), the USDA included provisions to relieve management of liability if the sponsoring organization or show manager identified and removed sore horses before tying the class or the end of the exhibition, or the sponsoring organization designated a veterinarian to examine and observe all horses at the show or exhibition to determine whether such horses are sore. By 1973, the Tennessee Walking Horse Commission (a private organization that was composed of the Tennessee Walking Horse Breeders Association, Trainers' Association, and TWHNCA) required that their approximately 400 affiliated shows appoint show stewards to examine all horses before they compete and to exclude those that appear to be sore. *Horse Protection Enforcement, 1973–74, Biennial Report of the Secretary of Agriculture to the President of the United States Senate and the Speaker of the House of Representatives.*

Congress reviewed the effects of the law against soring during oversight hearings in 1973. Testimony identified weaknesses in the Act that made enforcement difficult, particularly the Department's limited authority under the Act. By 1975, there was agreement among the Department, HIOs, and other organizations that the Act needed to be amended. *Horse Protection Enforcement, 1975–1976, Biennial Report of the Secretary of Agriculture to the President of the United States Senate and the Speaker of the House of Representatives.*

Congress then amended the HPA in 1976 to make several important changes, including a provision that the USDA shall prescribe requirements for the appointment of persons qualified to inspect horses for the purpose of enforcing the Act.

In response to these amendments, on April 28, 1978, APHIS proposed to revise the HPA regulations (43 FR 18514–18531), and, in 1979, finalized this proposed rule in two stages ((44 FR 1558–1566, January 5, 1979) and (44 FR 25172–25184, April 27, 1979)). Among other changes, the revisions established a procedure to license DQPs to exclude sore horses on behalf of management, which was similar in design to the industry's self-regulatory efforts to use show stewards to inspect horses for signs of soring. Under the 1979 regulations, HIOs with established training programs certified by USDA to meet the purposes of the HPA could grant licenses to DQPs. Regarding the use of nonveterinarian inspectors, APHIS explained in the 1978 proposed rule that it was ''the intent of Congress, when the 1976 Act was passed, for the Department to develop minimum qualification standards for nonveterinarians who may be retained by show management for the purpose of inspecting horses for compliance with the Act.'' In the January 1979 final rule, APHIS went on to state that ''a non-veterinarian DQP who is properly certified in accordance with 11.7 of the regulations should be fully qualified to detect and determine whether a horse is sore, as that term is defined in the Act'' (44 FR 1559, January 5, 1979). This approach is consistent with other horse sport industries. Equestrian events across the spectrum—from Olympic disciplines like dressage and show jumping to breed-specific shows like Arabian and Quarter Horses—use industry stewards to monitor horse welfare and ensure a level playing field.

Almost immediately after implementing the DQP program, however, APHIS identified concerns regarding DQP performance. In its July 1980 report to Congress, APHIS stated that, ''There indeed was evidence during 1979 that some DQP's were lax in excluding sore horses at shows not monitored by APHIS. APHIS officials insisted that the licensing organizations take responsibility for poor performance by DQP's and emphasized that certification would be withdrawn from organizations that do not police licensees properly.'' *Horse Protection Enforcement, 1979, Annual Report of the Secretary of Agriculture to the President of the United States Senate and the Speaker of the House of Representatives.* In 1980, APHIS noted the rate of noncompliance identified by DQPs was 2.364 percent at shows monitored by APHIS, compared to 1.247 percent when APHIS was not present. *Horse Protection Enforcement, 1980, Annual Report of the Secretary of Agriculture to the President of the United States Senate and the Speaker of the House of Representatives.* This discrepancy between the rate of noncompliance identified by DQPs when APHIS is present and when it is not has continued throughout the entirety of the program. For example, in 1991, the average rate of noncompliance identified by DQPs was 2.220 percent at shows monitored by APHIS and 0.711 percent when APHIS was not present. *Horse Protection Enforcement, Fiscal Year 1991, Report of the Secretary of Agriculture to the President of the Senate and the Speaker of the House of Representatives.* And, a September 2010 OIG audit report (Audit Report 33601–2–KC, referred to below as the OIG audit) found that, from 2005 to 2008, APHIS veterinarians were present at only 6 percent of all shows, yet DQPs identified 49 percent of all noncompliance with the HPA and regulations at that small percentage of shows where APHIS was present.

APHIS and others have explored various explanations to address this discrepancy over the years. In its 1980 report to Congress, APHIS opined that ''part of the reason for this discrepancy may be that APHIS monitors primarily large events. At these events, more prizes, more money, and more prestige are at stake for participants and the competition is keener. Another reason may be that DQPs feel freer to act decisively when APHIS inspectors are present, providing visible support and protection from owners and trainers who might protest their decision.'' On October 17, 1990, APHIS published a final rule in the **Federal Register** (55 FR 41989–41994, Docket No. 90–071) amending the regulations to expand and clarify the procedures for DQPs to follow when conducting inspections at horse shows, exhibitions, sales and auctions in response to concerns from both the horse industry and animal welfare organizations that the guidelines for preshow DQP examinations were not detailed enough to ensure uniform and adequate inspections of all horses examined by DQPs. On December 1, 1997, APHIS published a Horse

Protection Strategic Plan (62 FR 63510, Docket No. 97–105–1) to address the discrepancy in DQP inspection findings by partnering with HIOs on enforcement and holding HIOs accountable for the results of DQP inspections through program audits, uniform rules and sanctions, and proper training of DQPs. Following the publication of the strategic plan, APHIS and certified HIOs entered into annual/bi-annual operating plans for the implementation and enforcement of the Act from 1999 through 2009. Notably, despite the emphasis in the strategic plan to implement uniform rules and sanctions (including revoking the certification of an HIO or disqualifying a DQP from holding a license) and APHIS concerns about inspection discrepancies, available records indicate that USDA has only revoked the DQP program certification of two HIOs, and this action occurred in 1992. *Horse Protection Enforcement, Fiscal Year 1992, Report of the Secretary of Agriculture to the President of the Senate and the Speaker of the House of Representatives.* Aside from these actions, USDA has not revised the regulatory framework for the DQP program or modernized DQP inspection procedures since 1979.

In August 2008, the AAEP's Tennessee Walking Horse Taskforce issued a white paper entitled, ''Putting the Horse First: Veterinary Recommendations for Ending Soring of Tennessee Walking Horses,'' which recommended ways to end soring. Among other things, the Taskforce recommended abolishment of the DQP program because of ''conflicts of interest'' in favor of APHIS Veterinary Medical Officers supervising a corps of veterinarians who would inspect walking horses using diagnostic tools and techniques for detecting noncompliant horses, such as thermography, digital radiography, drug testing, and swabbing for prohibited substances. While acknowledging the ''significant financial resources'' associated with implementing such a program, the Taskforce noted that ''if the industry is serious in its intention to end this cruel and inhumane practice and restore the reputation of its breed and the integrity of its leadership, funding must be provided. The expense of these measures must be borne by the TWH industry.''

In 2010, the OIG audit found that DQPs were not always inspecting horses in accordance with the Act and regulations, including failing to observe the movement of horses during preshow inspection as required by § 11.21(a)(1), inspect horses tyed first in their class as required by § 11.21(b)(2)(iv), and report to management all of the horses the DQP identified as sore required by § 11.21(b)(3). The OIG audit report quoted an APHIS official as stating that that ''these problems often occur because the DQPs come from within the horse show industry and are paid by the horse industry organizations. Therefore, they associate themselves much more closely with the needs of the exhibitors than with the horses they are there to protect.'' The audit acknowledged that APHIS collaborated with the industry to implement the DQP program because its limited resources do not cover the costs of sending APHIS veterinarians to all HPA-covered events and it allows the industry and DQPs to serve as the ''primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act,'' when the Agency's own administrative enforcement ''proceedings can be long, expensive, and have unpredictable results.'' With respect to the audit, a then-APHIS official explained, ''We're not able to attend all these shows with our funding right now, so we negotiated with the OIG auditors to (have the USDA) take over the training and licensing of the inspectors. We would then have full authority over training, licensing, and reprimanding of the DPQs [sic]. At this time, they're licensed under the horse industry organizations, and we are only able to recommend that a DQP be reprimanded[.]'' *The Journal of the American Veterinary Medical Association, High time for change. Further USDA crackdown on soring practices expected, (March 2012).* Ultimately, the 2010 OIG audit report recommended that ''APHIS abolish the DQP system and institute a system based on inspections by veterinarians independent of the horse industry.''

More recently, a 2021 NAS consensus study found that, as seen from 61 DQP inspection videos, DQPs did not carry out a sufficient observation of horse movement and that ''differences in training and experience account for the discrepancies between VMO and DQP inspection results in past years. This discrepancy will continue to affect inspection outcomes if DQPs are not trained adequately and evaluated for competency by experienced equine veterinarians. Conflicts of interest may also influence decisions of DQPs in finding whether a horse is in compliance with the HPA.'' *National Academies of Sciences, Engineering, and Medicine. 2021. A Review of Methods for Detecting Soreness in Horses, Washington, DC: The National Academies Press* (referred to in this docket as the ''NAS study''). The NAS study also concluded by stating that physical examination methods are critical in detecting pain ''when performed by an examiner with sufficient knowledge of normal versus abnormal horse movement and posture and the ways that horses react to palpation if they are in pain. To better detect soreness it is important that these examinations be done thoroughly using proper techniques and used in conjunction with other diagnostic technologies, tools, and techniques.'' As such, the NAS study authors ''strongly recommend the use of DQPs for inspections be discontinued and that only veterinarians, preferably with equine experience, be allowed to examine horses, as is done in other equine competitions.''

In the August 2023 proposed rule that preceded the May 2024 Horse Protection final rule, APHIS stated that, ''as expressed by the USDA–OIG audit report and NAS study and supported by all major veterinary organizations, licensed veterinarians with equine experience are best qualified to detect soring in horses. Among other advantages, their medical training in anatomy and physiology affords them the ability to discern signs of soring in a horse that may be missed by experienced inspectors who lack such intensive training. In addition, licensed veterinarians in the United States are bound by their profession to ethical codes of conduct established by the AVMA and supported by other veterinary organizations. Under the AVMA principles for veterinary medical ethics, veterinarians are required to avoid conflicts of interest that put financial or other considerations ahead of animal welfare and the best interests of the animal involved.''

Ultimately, the May 2024 Horse Protection final rule removes the definition of HIO, explains that HIOs cannot have any involvement in any HPA-covered event, and replaces the DQP program with the HPI program by explaining, ''HIOs are free to continue supplying other services to shows and events not subject to regulation, including registering participants and coordinating event logistics, supplying show judges, and promoting events . . . . [the] removal of the term was solely to reflect the fact that they would no longer have a distinct role specifically pertaining to APHIS' Horse Protection regulations.''

The May 2024 Horse Protection final rule then addresses the discrepancy in inspection findings by restricting third-party inspector eligibility to licensed veterinarians who are already ethically

bound to avoid conflicts of interest (except for veterinary technicians and persons employed by State and local government agencies to enforce laws or regulations pertaining to animal welfare who may be used if there is an insufficient pool of veterinarians) and providing that APHIS will assume responsibility for training the third-party inspectors. The rule makes APHIS representatives available to serve as functional equivalents to HPIs that may be appointed and retained by management—something neither OIG nor NAS recommended. Though the May 2024 Horse Protection final rule prioritizes the appointment of veterinarians as HPIs or APHIS representatives to perform inspections, it does not address concerns that the inspection procedures themselves and APHIS' administration of the Act contribute to the discrepancy in inspection findings; does not align with the Congressional statements behind the enactment of the 1976 HPA amendments, which, among other things, were intended to provide USDA and the industry with shared responsibilities for achieving the Act's purposes or the AAEP White Paper's overarching message that ''the decision to develop realistic and effective means of eliminating individuals who perpetuate this culture [of soring] belongs to the TWH industry alone;'' and does not describe how APHIS would carry out the HPI program (as supplemented with APHIS representatives) and expand the scope of regulation within the existing HPA budget if the funding increase to support implementation did not materialize.

For example, in response to the May 2024 Horse Protection final rule, the TWHNCA submitted a public comment asserting that APHIS' data from 2017–2022 is unreliable because the data does not match prior publicly reported data and includes data of all noncompliance (not just soring). The TWHNCA also stated that the data ''resulted from a subjective inspection process that has been shown to be incapable of producing repeatable results,'' unless applied by experienced equine veterinarians. In addition, members of the horse industry have long raised statutory overreach and due process concerns involving the inspection program (as reflected in *Celebration, Gould,* and *Contender Farms* lawsuits), short-notice changes in inspection protocols at the start of show season, and changing enforcement strategies (including multiple rulemakings aimed at prohibiting the use of action devices and pads) that result in regulatory uncertainty for DQPs and HIOs, and owners, trainers, exhibitors, and the entire horse industry at large.

Over the years, both the scar rule and the re-inspection procedures have been sources of discrepancies in inspection findings between APHIS representatives and DQPs, and, as discussed above, *Gould* found these provisions deficient because they likely exceeded statutory authority and lacked adequate due process, respectively. Even before *Gould,* APHIS was aware of the industry's concerns that its re-inspection procedures lacked adequate due process, *McSwain* v. *Vilsack,* Case 1:16–cv–01234–RWS (Order, May 25, 2016), and, although the Agency temporarily adjusted its inspection procedures to ensure two APHIS Veterinary Medical Officers concurred on a finding of HPA noncompliance, it later reversed course.

In addition, when replacing the DQP program with the HPI program, in the May 2024 Horse Protection final rule, APHIS explained that ''[b]eginning in 2010, APHIS undertook several nonregulatory approaches to help the industry improve compliance with the Act, among them increased engagement with industry groups, inspection workshops for DQPs, and stepped-up APHIS presence at certain shows to oversee inspections and check whether disqualified persons were participating.'' These nonregulatory approaches also required HIOs to immediately update their rulebooks by December 1, 2010 (in advance of the current regulation's due date for updating rulebooks by March 1), extend the disqualification of a horse from a class to the entire event (which *Gould* subsequently found likely exceeded HPA statutory authority), impose minimum penalties for noncompliance with the HPA (which *Contender Farms* subsequently found likely exceeded HPA statutory authority), and, for the first time, begin identifying horses with a coffin bone rotation of more than 5 degrees as sore (even though such conditions could only be identified when APHIS attended events and included radiographs as part of its inspections), among other things. ''*2010 Points of Emphasis,*'' *Animal Care, APHIS USDA.*

The May 2024 Horse Protection final rule also failed to address an important aspect of the problem: the inspection procedures themselves. The rule did not incorporate in the regulations any of the recommendations to enhance the inspection procedures to promote consistency among third-party inspectors or ensure that HPIs use current diagnostic tools, techniques, and tests consistent with advancements that have been implemented in other horse sport industries, including collecting blood samples to test for medications administered to horses to alter their response to palpation. Instead, the rule removed the inspection procedures currently found in § 11.21 from the regulations because ''HIOs would no longer train DQPs in inspection procedures,'' without regard for notice to individuals participating in covered events or the need for transparent regulatory procedures to which the HPIs could be held accountable.

In the August 2023 proposed rule, APHIS sought to address conflicts of interest by requiring veterinarian HPIs to hold an active license—ensuring they are bound by ethical standards—and by prohibiting HPI applicants, their immediate family members, and anyone providing them a financial benefit from participating in the showing, exhibition, sale, or auction of horses or from serving as a judge, farrier, or agent of management. However, the May 2024 Horse Protection final rule removed these safeguards, citing the national shortage of veterinarians as the reason for not finalizing the licensure requirement. It also removed the only horse-specific conflict-of-interest provision, stating that applying a ''rigid regulatory qualification standard'' without flexibility to assess individual circumstances could reduce the pool of eligible HPI applicants.

Instead of codifying provisions to address the conflicts of interest identified in the OIG audit and NAS study, the May 2024 Horse Protection final rule states that applicants will be asked to sign a code of conduct attesting to their freedom from ''financial or professional'' conflicts. Although the May 2024 Horse Protection final rule notes that APHIS will remove applicants and trainees from the program if conflicts are found, it does not establish regulatory criteria for denying an application or disqualifying an HPI on this basis, provide related due process procedures, or specify what constitutes a conflict of interest—an omission that contrasts with standard practice in other horse-sport organizations. For example, the Federation Equestre Internationale (FEI), the U.S. Equestrian Federation (USEF), the Horseracing Integrity and Safety Authority (HISA), and other equestrian bodies maintain detailed, publicly available conflict-of-interest policies for stewards and officials to ensure impartiality and the integrity of competition.

As it stands, the training and authorization of HPIs is the only provision from the 2024 Horse Protection final rule in effect. In the regulatory impact analysis or RIA that accompanied the 2024 Horse Protection final rule, APHIS assumed that the rule would require the same number of HPIs as DQPs under the current regulations, which, at that time, was 59. Upon reflection, we believe APHIS may have underestimated the number of HPIs it would need to implement the 2024 Horse Protection final rule because the rule requires management to appoint two HPIs for shows or events when more than 100 horses are entered, when the current regulations require management to appoint two DQPs for shows or events when 150 horses are entered. Nevertheless, APHIS went on to explain that even though it estimated the rule would require 59 HPIs to serve as inspectors, it only anticipated receiving 30 applications per year for the HPI program and further acknowledged that it did not know the number of applicants who would meet regulatory requirements and be authorized to serve as HPIs. That is to say, from the inception of the HPI program, APHIS recognized that it would not draw an adequate pool of applicants to meet the projected needed for HPIs. Because of this shortfall in HPIs to serve as inspectors at over 200 covered events that occur each year, APHIS anticipated that it would need to expand its Animal Care Horse Protection program to make APHIS representatives available upon request by management to serve as inspectors, in addition to training and authorizing HPIs.

Despite accepting 67 applications from veterinarians, concerns remain about APHIS' ability to make inspectors available for more than 200 covered events. According to AAEP, veterinarians identifying as working with horses are a minority in the veterinary medical profession, estimated at 4,043 or 5.7 percent of the total number of private practice positions in the United States, with an additional 4,220 in mixed animal practice. *American Association of Equine Practitioners, Economic Report (April 1, 2019).* Combined, this means that less than 1 percent of potentially qualified veterinarians expressed interest in becoming HPIs. We believe this may be related to the salary expectations of veterinarians, who may earn significantly more providing their services in other evening and weekend shiftwork settings (including as relief veterinarians) than working as HPIs. Regardless of the reason, APHIS designed a program around the concept of veterinarians serving as the primary pool of inspectors and did not contemplate that less than 1 percent of potentially qualified veterinarians would be interested in the program. Even if APHIS had received funding to hire additional APHIS representatives to supplement the HPI program—which it did not, as discussed below—APHIS would still need to rely more heavily than planned on veterinary technicians and State and local government personnel who enforce animal welfare laws to provide coverage for over 200 events annually.

As noted above, the May 2024 Horse Protection final rule declined to codify any safeguards to address the conflict of interest identified in the OIG audit and NAS study. Instead, the rule indicates APHIS will ask applicants to sign a code of conduct attesting to their freedom from financial or professional conflicts of interest, without defining in the regulations what constitutes a conflict of interest or establishing regulatory procedures to deny an application or disqualify an HPI if a conflict is identified.

As alluded to above, there are budgetary concerns with implementing the 2024 Horse Protection final rule. In the regulatory impact analysis that accompanied the May 2024 Horse Protection final rule, APHIS estimated that implementing the changes in the final rule would ''result in additional costs to APHIS in terms of conducting inspections, screening, and training potential HPIs.'' APHIS estimated that its costs under the May 2024 Horse Protection final rule could increase by up to $3.2 million annually. Year-to-year funding for the HPA program has, however, not increased since the issuance of the May 2024 Horse Protection final rule; it has remained constant annually for FY 2024, 2025, and 2026. This means that the funding APHIS needs to implement the HPI program (including making APHIS representatives able to provide inspection services at HPA-covered events upon management's request) exceeds the current HPA budget.

Thus, although the May 2024 Horse Protection final rule implemented some of the recommendations in the OIG audit report and NAS study to discontinue the use of DQPs, the rule did not incorporate any of the recommendations from NAS or AAEP (or the industry itself) to improve the inspection procedures used to detect soreness to promote consistency across all HPA inspections; did not anticipate or consider the broad vacatur that could result from a legal challenge; did not include in the regulations conflict-of-interest provisions specific to horse protection activities; and did not consider that APHIS may not receive an increase in funding to enable APHIS representatives to serve as third-party inspectors (even though both the OIG audit report and the NAS study acknowledged APHIS' limited HPA budget). With regard to the NAS study, the authors explained, ''If the limited budget for HPA enforcement necessitates continued use of third-party inspectors, the committee recommends that they should be veterinarians or equine industry professionals who are screened for potential conflicts of interest and that they be trained to inspect by APHIS, not by HIOs. . . . Training should be done by experienced equine veterinarians, and strict competency evaluations should be conducted to assess the skills and knowledge of trainees before they are given license to inspect horses. Consequences for performing a substandard examination should be strictly enforced and reports of substandard performance and letters of admonishment should come from the APHIS, not HIOs.''

After careful consideration, as recommended by the House Appropriations Committee, we propose a path forward that allows the Agency to better address the root causes of the identified deficiencies in the DQP program and to implement recommendations from AAEP, OIG, and NAS related to third-party inspector conflicts of interest; the NAS study findings and recommendations concerning the need for adequate training and evaluation of third-party inspectors; the recommendations by NAS and AAEP to use diagnostic technologies, tools, and techniques in conjunction with physical examinations consistent with other horse sports; and alignment of the Horse Protection program with the intent of the HPA. Finally, we are mindful of the intent of the 1976 amendments to the HPA. When President Ford signed the 1976 amendments into law, he stated he was ''committed to achieving meaningful reform by compelling this industry to police itself properly,'' and his Administration promised to work ''to gain greater support from within the industry for self-policing and compliance with the Department's expanded program.'' *Statement on Signing the Horse Protection Act Amendments of 1976, 3 PUB. PAPERS 1999, 2013 (July 14, 1976)* and *Memorandum for the President from*

James M. Frey at 5, Office of Management and Budget (July 8, 1976) (recommending President Ford approve the HPA amendments because ''the key to a successful program centers around industry involvement'').

In keeping with this promise and the intent and history of the HPA, we propose to withdraw the non-vacated portions of the May 2024 Horse Protection final rule and propose changes to the current regulations that more fully address the recommendations of OIG, AAEP, and NAS, support the industry's self-regulatory efforts and alignment with other horse sports, and modernize the inspection procedures in the regulations for the first time in 34 years. As part of this proposed rule and as discussed below, we would ensure that DQPs are screened for conflicts of interest to ensure objective inspection outcomes, trained and evaluated for competency by experienced equine veterinarians, and regularly monitored to ensure required inspection procedures are followed and inspections are performed consistently, whether APHIS is present or not.

Summary of the Withdrawal of the May 2024 Horse Protection Final Rule

Below, we provide a section-by-section summary of the withdrawal of the May 2024 Horse Protection final rule.

In § 11.1, ''Definitions,'' the May 2024 Horse Protection final rule makes several changes to reflect changes to the Horse Protection program. Specifically, the final rule adds definitions for the terms *Custodian, Day(s), Horse Protection Inspector (HPI), Local area, Participate,* and *Therapeutic treatment;* revises the existing definitions of *APHIS Representative, Person, Sponsoring organization,* and *State;* removes definitions of *APHIS Show Veterinarian, Designated Qualified Person or DQP, Horse industry organization or association, Lubricant,* and *Regional Director;* and retains with minor nonsubstantive or editorial changes the definitions of *Act, Action device, Administrator, Animal and Plant Health Inspection Service (APHIS), Exhibitor, Horse, Horse exhibition, Horse sale or auction, Horse show, Inspection, Management, Person, Secretary, Sore,* and *State.* Given the vacatur of the May 2024 Horse Protection final rule's prohibitions on action devices, pads, and substances on TWHs and racking horses, the DCIS provision, and APHIS' processes for responding to requests for re-inspection of a horse and appealing soreness determinations, and the proposed withdrawal of the remaining non-vacated portions of the May 2024 Horse Protection final rule, the addition of definitions for *Horse Protection Inspector (HPI), Local area,* and *Therapeutic treatment,* the revision of definitions for *APHIS representative,* and *Sponsoring organization,* and the removal of the definitions for *Designated Qualified Person or DQP, Horse industry organization or association,* and *Lubricant* are unnecessary and not aligned with the current regulations or the proposed definitions below. We are also proposing to withdraw the changes to the definition of *Action device* contained in the final rule because the current regulations both generally, in § 11.2(a), and specifically, in § 11.2(b)(1), prohibit the use of such action devices, and because the stated basis for establishing the definition was to clarify that the term *Action devices* includes beads and bangles, which have long been prohibited under current § 11.2(b)(1). In addition, we are proposing to withdraw the term *Custodian* because we would not use that term in the regulations under this proposed rule. Although the May 2024 Horse Protection final rule included a minimum age requirement for custodians, responsibilities and liabilities under the Act and regulations are role based, not age based. Minors (through their parents) can, and have been, held responsible for alleged violations of the HPA. The terms *Day(s)* and *Participate* are, likewise, unnecessary because our use of those terms in the current regulations carries the meaning attributed to them by general usage as reflected by definition in a standard dictionary, such as ''Webster's.'' Although the definition of *Day(s)* in the final rule excludes weekends and holidays due to short reporting deadlines, we are proposing instead to retain the current usage to avoid confusion and extend the deadlines for management, DQPs, and HIOs to submit their information, as discussed below. Also, as in the final rule, we propose, below, to remove the definition of *APHIS Show Veterinarian* and *Regional Director* and solicit public comment on that change in the context of this proposed rule. Therefore, we propose to withdraw the changes to the definitions in the May 2024 Horse Protection final rule. Where necessary, we propose and discuss changes to the current definitions below.

Section 11.2 was ''reserved.''

Section 11.3, ''Non-interference with APHIS representatives and HPIs,'' prohibits any person from assaulting, resisting, opposing, impeding, intimidating, threatening, or interfering with APHIS representatives or HPIs, or in any way influencing attendees of a horse show, exhibition, sale, or auction, or other individuals to do the same. This section is based on current § 11.6(c), which requires management to control crowds so that APHIS representatives may carry out their duties without interference and reasonable safety, and Section 1825(a)(2)(C) of the HPA, which prohibits anyone from forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person engaged in the performance of their official HPA duties. Current § 11.6(c) is still in effect and operative; hence retaining the parallel provisions from § 11.4 of the May 2024 Horse Protection final rule would be redundant and unnecessary. Additionally, because we propose to withdraw the HPI program, this provision would no longer be necessary to the extent it applied to HPIs. As discussed below, in this proposed rule, we propose to revise the existing prohibitions in the regulations concerning non-interference with APHIS representatives and DQPs.

Section 11.4, ''Owners, trainers, exhibitors, custodians, transporters, and any other person who has been disqualified,'' provides that any person disqualified from participating in any horse show, exhibition, sale, or auction shall not show, exhibit, or enter any horse, directly or indirectly through any agent, employee, corporation, partnership, or other device, and shall not judge, manage, or otherwise participate in events covered by the Act within the period during which the disqualification is in effect. This provision relates to Section 1825(c) of the HPA, which outlines disqualifications the Secretary may order after notice and an opportunity for a hearing. These disqualifications apply to persons who have been convicted of or assessed a civil penalty for a violation of the Act. Such disqualification is separate and distinct from the process by which management disqualifies horses which are sore from participating or competing in covered events pursuant to Section 1824 of the Act. Because this provision relates to the scope of a Secretary's order and administrative proceedings, it is not within the scope of these regulations. In addition, we believe its inclusion in the regulations may cause confusion between disqualification periods for persons imposed by the Secretary and the disqualification of horses by management at HPA-covered events.

Therefore, we propose to withdraw this provision.

Section 11.5, ''Appeal of disqualification,'' establishes a process for the appeal of decisions to disqualify horses at HPA-covered events based on inspection findings of APHIS representatives and HPIs. As discussed above, this section was vacated by the District Court in *Celebration;* by operation of law, the section no longer is in effect, and its withdrawal removes it from the Code of Federal Regulations.

Section 11.6, ''Prohibitions concerning exhibitors,'' lists general and specific prohibitions on devices, methods, practices, or substances used on horses at horse shows, exhibitions, sales or auctions; competition restrictions for 2-year-old TWHs and racking horses; and horse-related information requirements under the Act and regulations.

The 2024 Horse Protection final rule amended § 11.6(a) to add a general prohibition on the use of any device, method, practice, or substance that can be used to ''mask previous or ongoing soring.'' In light of the vacatur of the DCIS provision in *Celebration* and the District Court's preliminary finding in *Gould* that the HPA prohibits only showing a horse that is presently sore, we believe this provision may cause confusion because it prohibits devices, methods, practices, or substances that mask ''previous'' soring. Therefore, we are proposing to withdraw this provision of the final rule. However, we continue to find that the use of agents used to mask ongoing soring is a serious violation of the HPA and propose related changes to the regulations in this proposed rule, as discussed below.

Paragraph (b) of § 11.6 of the May 2024 Horse Protection final rule lists specific prohibitions regarding action devices, equipment, or practices on any horse at any horse show, exhibition, sale, or auction. Most of the prohibitions in that section were drawn from existing provisions in § 11.2 of the current regulations; § 11.2 of the current regulations is still in effect and operative; hence retaining the parallel provisions from § 11.6 of the May 2024 Horse Protection final rule would be redundant and unnecessary.

Section 11.6(b)(9) and (b)(10) of the May 2024 Horse Protection final rule also replaced ''yearling horses'' with ''horses up to 2 years old.'' There is no need to define ''yearling horse'' as a ''horse up to 2 years old'' since this term is understood in the industry to mean a horse up to 2 years old. The rule also amended the existing regulation by specifying that, for horses up to 2 years old, kegs or similar conventional horseshoes must weigh 16 ounces or less; however, this is duplicative of what is in the current rule (§ 11.2(b)(9)) because the current rule already prohibits any horseshoe on yearling horses that weighs more than 16 ounces. Therefore, we are proposing to withdraw this provision.

Paragraphs 11.6(b)(14) and (b)(19) of the May 2024 Horse Protection final rule included prohibitions on acrylic and hardening substances as hoof packing, paring of the frog or sole, and bruising of the hoof or any other method of pressure shoeing. The use of acrylic and hardening substances as hoof packing, paring of the frog or sole, and bruising of the hoof are all examples of pressure shoeing. Current § 11.2(b)(18) already prohibits pressure shoeing of any kind. When proposing the current § 11.2(b)(18), the Agency explained that its purpose was to prohibit all practices that could result in pressure shoeing: ''The Horse Protection Act Amendments of 1976 specifically prohibit any practice involving the limb of a horse that results in the horse suffering, or can reasonably be expected to result in the horse suffering pain, distress, inflammation, or lameness when walking, trotting, or otherwise moving. Consequently, the Department proposes to prohibit the shoeing or trimming of a horse's hoof in a manner that will cause such horse to suffer pain, distress, or inflammation when walking, trotting, or otherwise moving. Consequently, Department officials believe this prohibition is necessary to protect horses from unscrupulous horsemen and farriers who engage in practices such as, but not limited to, placing a pressure wedge between the shoe pad and the frog; deliberately trimming the hoof without properly trimming the sole, thereby causing the sole to act as a pressure plate; placing a tack or screw in the shoe pad in such a manner that it will slightly penetrate the frog of the horse's foot; and, deliberately ''quicking'' the hoof of a horse with the horseshoe nails.'' *43 FR 18514–18531 at 18518.* The use of acrylic and hardening substances as hoof packing, paring of the frog, and bruising of the hoof, which, again, are all examples of pressure shoeing, have thus been prohibited for decades. Additionally, current § 11.21(a)(4) prohibits stewarding practices during a DQP's inspection. As such, we are withdrawing this provision and proposing changes to the current regulations to prohibit stewarding during any inspection (whether performed by an APHIS representative or DQP), among other things.

The rule added a new paragraph 11.6(c) with specific prohibitions on the use of action devices, and non-therapeutic: pads, wedges, artificial toe length extensions, and substances on TWHs and racking horses. Paragraph (e) expanded the list of persons subject to the horse-related information requirements to include any person who enters or transports horses that are shown, exhibited, sold, or auctioned, and extended the provision to include information supplied to HPIs. As discussed above, paragraph (c) was vacated by the District Court in *Celebration;* by operation of law, the paragraph no longer is in effect and its withdrawal removes it from the Code of Federal Regulations. Below, we propose changes to clarify the specific prohibition on devices that strike the coronet band in paragraph (b) of existing § 11.2, align the prohibition on substances in paragraph (c) with our statutory authority, and further clarify the application of paragraph (e), including as it relates to substances that mask soring.

Section 11.7, ''Dermatologic conditions indicative of soring,'' establishes a presumption of soreness when any limb of a horse displays one or more dermatologic conditions that an APHIS representative or HPI determine are indicative of soring. As discussed above, this section was vacated by the District Court in *Celebration.* By operation of law, the section no longer is in effect, and its withdrawal removes it from the Code of Federal Regulations.

Section 11.8, ''Inspection and detention of horses,'' extends the requirements of current to HPIs. As discussed above, paragraph (h) of this section, which contains provisions for requesting re-inspection by persons having custody of or responsibility for horses allegedly found to be in violation of the Act or regulation, was vacated by the District Court in *Celebration;* by operation of law, the paragraph is no longer in effect and its withdrawal removes it from the Code of Federal Regulations. In addition, with the proposed withdrawing of the HPI program, the extension of the requirements of this section to HPIs would no longer be necessary. Finally, as noted above, the remaining provisions of that section are also contained in the current regulations; retaining the provisions of this section would thus be redundant and unnecessary.

Section 11.9, ''Access to premises and records,'' extends the requirements in current § 11.5 to HPIs. With the proposed withdrawal of the HPI program, the extension of this section to

HPIs would no longer be necessary. The other provisions of this section are also found in current § 11.5; retaining these provisions would thus be redundant and unnecessary.

Section 11.10, ''Inspection space and facility requirements,'' extends the requirements in current § 11.6 to HPIs, establishes an affirmative duty for management to provide protection from the elements and electrical power to APHIS representatives and HPIs, and restricts the number of individuals who may accompany a horse in the warmup area to no more than three individuals. With the proposed withdrawal of the HPI program, the extension of this section to HPIs would no longer be necessary. Further, § 11.21(b) in the current regulations already restricts the number of individuals in the warmup area to three individuals (other than DQPs and APHIS representatives); specifically, the rider, groom, and trainer. Finally, because management already has an affirmative duty to provide proper facilities for inspection, including to provide protection from the elements and access to electrical power if requested by the APHIS representative, in the event of inclement weather or the need for electrical power or additional lighting, there are adequate provisions in the current regulations to ensure this occurs. Therefore, we are proposing to withdrawal this section of the 2024 Horse Protection final rule.

Section 11.11–11.12 are reserved.

Section 11.13, ''Responsibilities and liabilities of management,'' includes requirements from current § 11.20 but replaces DQPs with HPIs. In addition, this section establishes a process for management to request that an APHIS representative conduct inspections instead of HPIs or a variance should no HPI or APHIS representative be available to conduct inspections. This section also lowers the threshold for the appointment of at least two inspectors from 150 to 100 horses entered and requires management to have a farrier physically present or on call, depending on the size of the event. This section also requires management to ensure the warmup area is free of prohibited devices, disallow the participation of any persons under an order of disqualification by the Secretary, and verify the identity of all horses entered in the event.

With the proposed withdrawal of the HPI program, the replacement of DQPs with HPIs in this section would no longer be needed. Further, below, we propose alternative thresholds for the appointment of DQPs in conformance with proposed inspection procedures for DQPs (*i.e.,* we propose requiring management appoint and retain at least two DQPs when more than 100 horses are entered, rather than 150 horses entered). With the removal of the HPI program requirements, the requirement for management to have a farrier (§ 11.13(b)(3)) would no longer be prescribed, which would alleviate costs and burden on management. As discussed below, we propose to modernize inspection procedures for DQPs to require the removal of pads under certain circumstances. Under this proposal, the HIOs supplying the licensed DQP(s) and management would be responsible for determining how they will fulfill the regulatory inspection requirements. Although the May 2024 Horse Protection final rule required management to retain a farrier for all shows, we recognize variation in classes and events, including some events that may not require an on-site farrier to fulfill the inspection procedures proposed in this rule. For these reasons, we are proposing to withdraw the provision that requires management to have a farrier available at all shows. The requirement in § 11.13(c)(1) that management ensure that no prohibited devices or substances are present in the warm-up area would be redundant with proposed provisions to prevent use of such devices in the warm-up area. With regard to § 11.13(c)(2), current § 11.7(d)(5) already establishes a process for ensuring DQPs receive a list of all persons that have been disqualified by the Secretary. The requirement in § 11.13(c)(3) for management to verify the identity of horses entered in the event is unnecessary. This verification provision in § 11.13(c)(3) was intended to mitigate the risk of entrants altering a horse's identity to enable further participation after having been disqualified. As discussed above, the District Court's *Gould* decision preliminarily enjoined APHIS, for each named plaintiff, from requiring management to disqualify a sore horse from the remainder of an event (rather than just the class in which the horse was presented for inspection) because it likely exceeds the HPA's statutory authority. Because the agency does not intend to enforce the former ''No-Showback'' policy, there is no longer an incentive to falsify a disqualified horse's identity later during the event. Therefore, we are proposing to withdraw the requirement that management verify horses' identities. Finally, as noted above, the other provisions of this section are also found in current § 11.20; retaining these provisions would thus be redundant and unnecessary.

Section 11.14, ''Records required and disposition thereof,'' expands the record retention requirements in current § 11.22 by requiring that management retain for 90 days after an event a copy of the official judge's or scoring card(s) for each horse show class containing Tennessee Walking Horses and racking horses. In addition, this section adds new recordkeeping requirements for horses under the care of a licensed veterinarian and requiring therapeutic treatment using pads or other prohibited devices. With the District Court's decision in *Gould* preliminarily enjoining APHIS, for each named plaintiff, from requiring management to disqualify a sore horse from the remainder of an event, and APHIS's decision to end the ''No-Showback'' policy, the retention of the official judge's or scoring cards is no longer needed to verify that a horse disqualified from a class does not compete in a later class at the same event. In addition, with the District Court's vacatur in *Celebration* of the specific prohibitions on pads and prohibited devices for TWHs and racking horses, the additional recordkeeping requirements pertaining to therapeutic exceptions to such prohibitions would no longer be required. Finally, as noted above, the other provisions of this section are also found in current § 11.22; retaining these provisions would thus be redundant and unnecessary.

Section 11.15, ''Inspection of records,'' contains the requirements in current § 11.23(a) that ensure management allows APHIS to examine and make copies of records that are required or otherwise maintained during business hours, and to make facilities available for the copying of such records. This section extended those requirements to include HPIs. With the proposed withdrawal of the HPI program, the extension of this section to HPIs would no longer be needed. Additionally, as noted above, the provisions of this section are also found in current § 11.23(a); retaining these provisions would thus be redundant and unnecessary.

Section 11.16, ''Reporting by management,'' adds a new requirement for management to notify APHIS of any of its horse shows, exhibitions, sales, or auctions at least 30 days before the event is scheduled to begin, including whether management has appointed an HPI to inspect horses, requests an APHIS representative to perform inspections, or will have no inspector. In addition, this section expands the

reporting requirements in current § 11.24 to include the records required in § 11.14 pertaining to horses under the care of a licensed veterinarian requiring therapeutic treatment using pads or other prohibited devices, which were required in the now-vacated prohibitions on pads and devices in § 11.6(c), and, thus, are no longer required.

Following publication of the May 2024 Horse Protection final rule, APHIS received calls and inquiries seeking clarification on the scope of the new provision requiring all horse shows, exhibitions, sales, and auctions to provide APHIS with advanced notification of their event. In response, APHIS published a now-rescinded Tech Note in December 2024, to clarify that races and other events where speed is the primary factor and rodeos, parades, and trail rides are excluded from the HPA and the new reporting requirements. However, rather than providing greater clarity, the Tech Note caused further confusion and concern, as compliance would require management of all other horse events to notify APHIS of their events, regardless of whether the breed or discipline has historically been subject to the practice of soring, including any score-based event, such as 4H Club events, Cart/Driving classes, Costume classes, Dressage events, Equitation, Pleasure classes, Halter/Showmanship, Hunter, Hunter Under Saddle, Polo, Ranch Horse Versatility, Ranch Riding, Reining, Trail classes, and Vaulting. There were also concerns raised by exhibitors of horses in noncompetitive environments. Neither the May 2024 Horse Protection final rule nor the accompanying supporting statement concerning its information collection or the regulatory impact analysis fully explained or justified the impact and burdens of the new expanded reporting requirement. After further consideration, including widespread public concern regarding this new requirement, we do not believe the requirement is necessary to enforce the HPA or justified in light of the burden on the horse industry. Furthermore, § 11.16(a) was intended to provide APHIS sufficient time to schedule an APHIS representative to inspect at an event if an APHIS representative is requested in lieu of an HPI or alert APHIS that management's choice was to have no inspector. Due to the proposal to withdraw the HPI program, including the option for management to request an APHIS representative, the requirement to provide advanced notice is not necessary. For these reasons, we are proposing to withdraw the new reporting requirement in § 11.16 of the May 2024 Horse Protection final rule. In addition, with the vacatur of § 11.6(c) in *Celebration,* expanding the reporting requirements that already appear in current § 11.24 to include records pertaining to the therapeutic use of pads and other devices would no longer be necessary.

Section 11.17, ''Requirements concerning persons involved in transportation of certain horses,'' relocated the list of prohibitions and requirements concerning persons involved in the transportation of certain horses from current § 11.40, and extended the requirement that such person provide information upon request to HPIs, in addition to APHIS representatives. With the proposed withdrawal of the HPI program, the extension of this section to HPIs would no longer be needed. Additionally, as noted above, the provisions of this section are also found in current § 11.40; retaining these provisions would thus be redundant and unnecessary.

Section 11.18, ''Utilization of inspectors,'' specifies, among other things, that management may use an APHIS representative or a currently authorized HPI to detect and diagnose horses which are sore or otherwise inspect horses for compliance with the Act or regulations. With the proposed withdrawal of the HPI program, which we discuss at greater length below, this section would no longer be needed.

Proposed Revisions to the Current Regulations

Definitions (§ 11.1)

We would remove and add definitions in § 11.1 to simplify and streamline the regulations and reflect proposed changes to the Horse Protection program.

Currently, the regulations define seven terms to refer to various Department offices and personnel. Specifically, the regulations define the terms *Administrator, APHIS, APHIS representative, APHIS Show Veterinarian, Department, Regional Director,* and *Secretary.* Wherever possible, we propose to simplify and streamline the use of these terms throughout the regulations, including removing the term *APHIS Show Veterinarian* from § 11.1 and referring to them by the general term *APHIS representative,* which means ''any employee of APHIS, or any officer or employee of any State agency who is authorized by the Administrator to perform inspections or any other functions authorized by the Act, including the inspection of the records of any horse show, horse exhibition, horse sale or horse auction.''

As currently defined in the regulations, *Regional Director* means ''the APHIS veterinarian who is assigned by the Administrator to supervise and perform official duties of APHIS under the Act in a specified State or States.'' We propose removing this term from § 11.1 and the associated footnote specifying how to obtain the name and address of the Regional Director because APHIS representatives performing Horse Protection duties are no longer organized and managed by region.

Finally, we would add a definition of *Appeals Official* in § 11.1 that reflects our proposed changes to the Horse Protection program, as discussed below. An Appeals Official would mean ''a special Government employee as defined in 18 U.S.C. 202 meeting the qualifications in § 11.8 and appointed by APHIS to provide decisions on appeals of APHIS inspection findings at any horse show, exhibition, sale, or auction.''

Prohibitions Concerning Exhibitors (§ 11.2)

Section 11.2, ''Prohibitions concerning exhibitors,'' lists general and specific prohibitions for any device, method, practice, or substance used on any horse at any horse show, exhibition, sale, or auction, competition restrictions for 2-year-old TWHs and racking horses, and information requirements under the Act and regulations.

Under the current regulations, paragraph (b)(17) of § 11.2 prohibits the use of ''any action device or any other device that strikes the coronet band of the foot of a horse except for soft rubber or soft leather bell boots that are used as protective devices.'' When this requirement was proposed in 1978, APHIS explained that the intent was to prohibit devices ''from being placed on a horse's leg in a manner that will allow such device to strike the coronet band of a horse's foot while such horse is in motion or at rest.''

Although the intent of this requirement has been clear for decades, APHIS representatives have received questions regarding whether chains and other devices must be fitted to avoid landing on or striking any location around the circumference of the coronet band. To reaffirm the intent of the requirement, we are proposing to clarify that the device cannot strike ''any location on'' the coronet band of the foot of the horse when the horse is in motion or at rest. Thus, for purposes of HPA inspections, the APHIS representative or

DQP will evaluate any chain or action device placed on a horse to ensure it does not land on or strike any location around the circumference of the coronet band. To ensure this evaluation occurs during DQP inspections, we would also add a conforming change to the inspection procedures in § 11.21.

Since the 1970s, the Department has been concerned about the veracity of inspections under the HPA due to the use of medications and other substances that conceal soring in TWHs and racking horses. For example, in its 1975–1976 report to Congress, the Department explained that ''new and devious means'' are being used to sore horses that are difficult to detect and that ''anti-inflammatory agents and painkillers are used to mask soring.'' Calling the practice of soring ''one of the most significant welfare issues affecting any equine breed or discipline,'' the AAEP's 2008 White Paper recommended that APHIS adopt drug testing based on the methodology and practices established by the USEF and swabbing of limbs to test for the presence of prohibited substances using current standard methodology.

In 2014, the TWHNCA created a veterinary advisory committee (VAC) that oversaw the collection and testing of blood samples taken from TWHs during the 2014, 2015, and 2016 National Celebrations to determine compliance with medication withdrawal guidelines set by the VAC. According to the NAS study, ''one of the documents provided by the TWH industry representative, the number of samples taken in 2014, 2015, and 2016 were 407, 88, and 84, respectively. Of these samples 230, 88, and 26 were selected for testing. The numbers of samples that tested positive for prohibited medications were 51 out of 230 in 2014, 0 out of 88 in 2015, and 17 (9 were from pleasure horses) out of 26 in 2016. In 2014 the medications most prevalent in the samples were methylprednisolone, a steroid primarily used for treating joint and soft tissue inflammation (26 samples); triamcinolone acetonide, a corticosteroid for treating skin and joint conditions (14 samples); and diclofenac, a nonsteroidal anti-inflammatory drug (NSAID) (12 samples). Some samples were found to contain at least two anti-inflammatory medications. The results of the testing in 2015 indicated that all samples were in compliance with the VAC's medication withdrawal guidelines. In 2016 some samples were found to be noncompliant with withdrawal guidelines for some compounds, namely romifidine, a sedative; phenylbutazone, an NSAID; and stanozonol, a synthetic steroid with anabolic and androgenic properties.'' Similarly, APHIS' own blood samples from 80 horses at 6 horse shows in 2015 found that 20 percent of those horses tested positive for sedatives or NSAIDs.

The NAS study reviewed the methods of detecting soring in horses. Based on its review, the NAS study recommended that APHIS adopt blood testing as a component of its process for evaluating horses for compliance with the HPA. In making this recommendation, the NAS study cited research indicating that NSAIDs, opioids, and local anesthetics may ''abolish a sore horse's response to palpation by decreasing mechanical nociceptive thresholds to palpation.'' In addition, topically applied substances can be used to mask inflammation (*e.g.,* redness of skin, edema of the skin, and loss of skin integrity).

As discussed in the NAS study, blood sampling to test for prohibited medications and medications conditionally permitted but given above therapeutic levels is common in horse sports around the world to protect horse welfare and to ensure fair competition. Testing is done according to medication rules and guidelines set by a regulatory body, based on data on how the use or overuse of these medications can adversely affect the horse or alter its performance. For example, the USEF has established a protocol for testing and a policy on prohibited drugs and permitted medications, including concentrations allowed for permitted medications. However, the current regulations do not require blood testing as a component of the process followed by DQPs for evaluating horses for compliance with the HPA. Although APHIS has collected and tested blood samples from horses at some of the HPA-covered events it has attended, to achieve the dual purposes of the Act, it is critically important that the inspection process is consistent at all covered events.

In recent years, APHIS representatives have observed an increase in horses exhibiting signs of sedation during inspection. APHIS has found syringes and containers with sedatives and other prohibited substances in the warmup area and during barn walks, and been made aware of DQPs removing syringes from the warmup area and of individuals using syringes to inject reversal agents in horses in the warmup area after inspection, so that horses that pass inspection may suffer physical pain or distress while being shown and compete unfairly with horses that are not sore. In addition, we anticipate one of the changes proposed in this rulemaking may increase the use of medications and substances to mask soring. Specifically, as discussed below, we intend to clarify that, due to the Court's preliminary decision in *Gould,* management must disqualify any horse which is sore only from participating or competing in the class in which the horse was inspected for entry, showing, exhibition, sale or auction, or being offered for purchase. This change would allow the horse to be presented for inspection in a subsequent class of an event (whether later in the day or on a different day for a multi-day event) after being disqualified by management from a previous class at the same horse show, exhibition, sale, or auction. Individuals wishing to conceal signs of soring to pass preshow inspection in subsequent classes may try to apply masking agents to a horse's pasterns or sedate the horse to alter its response to palpation and compete unfairly with horses that are not sore. The use of medications and substances that mask soring during inspection directly interferes with the primary mechanism of enforcement under the Act, causes DQPs and APHIS representatives to make false entries or statements in required reports and records because the use of such masking agents may interfere with accurate inspection findings, and constitutes a grave violation of the Act.

Relatedly, although the current regulations contain prohibitions on substances, the regulations do not require swabbing to test for prohibited substances as a component of the process that DQPs must follow for evaluating horses for compliance with the Act and regulations, including for those substances that conceal signs of soring. Swabs collected by APHIS during its inspections have regularly detected prohibited substances, including a high prevalence of prohibited substances on padded horses. For example, APHIS continued to detect analgesic and anesthetic agents throughout FYs 2017–2023. Of these agents, Benzocaine and Lidocaine were the primary agents detected by laboratory analysis, with Camphor, Diclofenac, Dimethyl Sulfoxide (DMSO), and Menthol also being detected. The average percentage of swabs over this 7-year period that tested positive for these agents was 37 percent. Performance horses overwhelmingly accounted for the horses that tested positive for prohibited substances, consisting of 90.4 percent of horses testing positive during that period. Additionally, the average percentage of performance horses sampled that tested positive for a prohibited substance during fiscal years 2017–2023 was 35.2

percent. Although APHIS swabs horses for prohibited substances at some of the HPA-covered events it attends, to achieve the dual purposes of the Act, it is critically important that the inspection process is consistent at all events.

For these reasons, and to promote consistency of the inspection process at all HPA-covered events, we propose to revise paragraphs (c) and (e) of this section to make clear that the use of masking agents (such as, but not limited to, sedatives or topical numbing agents) and other substances that conceal evidence of soring are prohibited. Specifically, paragraph (c) of this section currently prohibits all substances, except for lubricants used under certain conditions, on the extremities above the hoof on any TWH or racking horse while being shown, exhibited, or offered for sale at any horse show, exhibition, sale, or auction. Notably, requirements depart from the prohibition on the use of substances in the HPA in two respects: (1) In addition to prohibiting the showing, exhibition, sale, and auction of horses wearing or bearing prohibited substances, the HPA also prohibits the entering of such horses; and (2) the HPA authorizes the USDA to prohibit substances to prevent the soring of horses.

To better align § 11.2(c) of the regulations with the HPA and for the reasons discussed above, we would revise this paragraph to narrow the list of prohibited substances applicable to Tennessee Walking Horses and racking horses to only those that cause or can reasonably be expected to cause any horse to be sore or that mask or can reasonably be expected to mask evidence of soring. Examples of substances that can mask or reasonably be expected to mask evidence of soring include sedatives, topically applied numbing agents, and topically applied substances that mask inflammation (*e.g.,* redness of skin, edema of the skin, and loss of skin integrity). Prohibiting substances that can mask or are reasonably expected to mask evidence of soring is necessary to prevent the soring of horses. In addition, we would continue to prohibit the application of all substances on the extremities above the hoof of any TWH or racking horse after the horse has been inspected by management or by a DQP, except that lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof may be used if management agrees to furnish the lubricants, maintain control over them, and the use otherwise meets the conditions of the regulations.

In addition, we are proposing to revise the horse-related information requirements under § 11.2(e). Paragraph (e) currently prohibits ''[f]ailing to provide information or providing any false or misleading information required by the Act or regulations or requested by Department representatives, by any person that owns, trains, shows, exhibits, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, or horse sale or auction[.]'' The current regulations list examples of such information, including ''Information concerning the registered name, markings, sex, age, and legal ownership of the horse; the name and address of the horse's training and/or stabling facilities; the name and address of the owner, trainer, rider, any other exhibitor, or other legal entity bearing responsibility for the horse; the class in which the horse is entered or shown; the exhibitor identification number; and, any other information reasonably related to the identification, ownership, control, direction, or supervision of any such horse.''

In paragraph (e), we are proposing to prohibit the use of masking agents (such as, but not limited to, sedatives or topical numbing agents) and other substances that conceal evidence of soring that may cause false entry or statement in a report or other record required under the Act or regulations. This proposed change is consistent with the proposed § 11.2(c), which also prohibits the use of masking agents under Section 1824(7) of the HPA. As discussed below, we are also proposing related changes in §§ 11.4, 11.7, and 11.21 of the regulations to ensure regular blood testing and swabbing of horses at covered events in accordance with the uniform inspection procedures of the DQP's certified organization or association, and otherwise make clear that horses that are sore may not be presented for inspection in a manner that might cause the horse not to respond to inspection by DQPs or APHIS representatives. These prohibitions are narrowly tailored to prevent the soring of horses.

In addition, we would also make changes to paragraph (e) for clarity. The information required in paragraph (e) is necessary for enforcing the Act. In the May 2024 Horse Protection final rule, we supplemented the horse-related information requirements to expand the examples of individuals who must provide information required by the Act or regulations or requested by APHIS to include any person who enters or transports any horse shown, exhibited, sold, or auctioned in HPA-covered events, and specified that such individuals must not provide any false or misleading information. Our proposed revisions in this rule would incorporate the persons included in the May 2024 Horse Protection final rule and would further clarify the list of individuals who must follow the requirements by generalizing it to all persons subject to the Act and regulations. This is because there are other entities that have horse-related information responsibilities under the Act and regulations. Specifically, management of horse shows, exhibitions, sales, and auctions, DQPs, and HIOs with certified DQP programs are also required to provide information related to horses. Failing to do so, or providing false or misleading information, is prohibited by law. Moreover, Section 1825(a)(2)(B) of the HPA prohibits anyone from knowingly making, or causing to be made, false statements or records required under the HPA or regulations, and to knowingly cause another person to do the same. To more fully capture the horse-related information requirements that individuals must provide to APHIS under the HPA and regulations, we propose to revise this paragraph by stating that failing to provide information, providing any false or misleading information, or causing another person to provide false or misleading information required by the Act or regulations or requested by APHIS representatives to enforce the Act or regulations is prohibited regardless of the party doing so. We would retain the examples of information related to identification, ownership, control, direction, and supervision of horses, and add that such information would also include information bearing on compliance with the requirements of the Act or regulations. To be clear, the net result of these proposed changes simply affirms what is already required by law; that is, persons must provide truthful and accurate information required by the Act or regulations or upon request by APHIS representatives.

Scar Rule (§ 11.3)

Under current § 11.3 of the regulations, all horses subject to the ''scar rule'' that do not meet certain criteria are considered sore and are subject to all prohibitions of section 5 of the Act. Paragraph (a) states that ''the anterior and anterior-lateral surfaces of the fore pasterns (extensor surface) must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral

evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.'' A footnote is also appended to paragraph (a). It defines ''granuloma'' as ''any one of a rather large group of fairly distinctive focal lesions that are formed as a result of inflammatory reactions caused by biological, chemical, or physical agents.''

Paragraph (b) of the scar rule states that ''the posterior surfaces of the pasterns (flexor surface), including the sulcus or '' 'pocket' '' may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.''

In paragraph (a)(2) of § 11.21, the requirements for inspection of horses by DQPs include an examination to determine whether the horse meets the scar rule criteria. Paragraph (a)(2) states that ''[w]hile carrying out the procedures set forth in this paragraph, the DQP shall also inspect the horse to determine whether the provisions of § 11.3 of this part are being complied with, and particularly whether there is any evidence of inflammation, edema, or proliferating granuloma tissue.''

Long before the scar rule was added to the regulations in 1979, the organized horse industry had agreed that bilateral scars on the front pasterns are clear evidence that a horse has been sored. By 1974, the Tennessee Walking Horse Commission established its own scar rule, ''under which scarred horses 2 years old were supposed to be excluded from competition. The rule was to be expanded to include 3-year-olds in 1975, 4-years-olds in 1976, and so on incrementally in future years.'' *Horse Protection Enforcement, 1979: Annual Report of the Secretary of Agriculture to the President of the United States Senate and the Speaker of the House of Representatives.* Despite this effort, the industry's rule was not applied uniformly and ''young horses new to competition continued to be entered with scars on the pasterns.''

As a result, the horse industry said it would support a uniform, nationwide scar rule, and APHIS established the scar rule in the regulations for all horses foaled during or after 1976. By applying the scar rule only to horses born and trained after the 1976 amendments to the HPA, APHIS explained in its 1979 final rule that these horses should have no scars at all if the law is being followed.

Even though more than a generation of horses have come and gone since the scar rule was first introduced, some horses entered in horse shows and other covered events continue to show evidence indicative of soring. As training techniques have changed over the past 47 years, so too has the appearance of inflammation associated with soring practices and ''scar'' does not accurately describe the pathological evidence of inflammation and other changes that appear on some horses today. As part of the NAS study, a board-certified veterinary pathologist reviewed 24 pairs of skin samples taken from TWHs that had been disqualified for noncompliance with the scar rule at the 2015 and 2016 National Celebrations and found pathological changes indicative of repeated trauma that correlated to the unnatural thickening of the skin visible on gross examination.

In the May 2024 Horse Protection final rule, APHIS revised the scar rule based on recommendations from the NAS study and advances in veterinary science and technical innovations in imaging and diagnostics that have improved our understanding of how soring occurs and our ability to detect it. The revised scar rule, referred to as the DCIS provision, provided that: ''The forelimbs and hindlimbs of the horse must be free of dermatologic conditions that are indicative of soring. Examples of such dermatologic conditions include, but are not limited to, irritation, moisture, edema, swelling, redness, epidermal thickening, loss of hair (patchy or diffuse) or other evidence of inflammation. Any horse found to have one or more of the dermatologic conditions set forth herein shall be presumed to be 'sore' and be subject to all prohibitions of section 6 (15 U.S.C. 1825) of the Act.''

As noted above, in *Celebration,* the court vacated the DCIS provisions of the May 2024 HPA final rule. Additionally, on August 19, 2025, the same court in *Gould* found that the existing scar rule likely exceeds statutory authority because ''a horse could be disqualified as sore under the Scar rule without any proof of specific misconduct of soring'' and ''evidence of past soring is not—and should not be—a basis for a horse not found to be currently sore.'' In so ruling, the court concluded that plaintiffs are likely to succeed on the merits of their claim that the existing scar rule exceeds the HPA statutory authority. Regarding the DCIS provision in the May 2024 final rule, the court in *Celebration* vacated the regulation because it lacked clear standards for what dermatologic conditions would disqualify a horse and, thus, failed to provide owners and trainers with adequate due process.

We are proposing to remove the scar rule from the current regulations based on the court's preliminary finding that evidence of past soring cannot be used as a basis for finding a horse sore at the time of inspection. We would continue to apply the statutory definition of ''sore'' when evaluating horses for compliance with the HPA, including identifying horses that exhibit inflammation (such as redness and swelling) associated with soring practices.

Although we are removing the scar rule from the current regulations, we plan to reserve § 11.3. We are not proposing a new replacement to the existing scar rule at this time because we are undertaking additional study, as recommended by the NAS study, to, among other things, determine if ''training practices that can cause soreness in TWHs also result in lichenification'' and ''epidermal thickening (hyperplasia) and lichenification are solely caused by the action devices worn by TWHs.'' As noted in the NAS study, the skin changes seen on the pasterns of TWHs ''are not observed on the pasterns of other breeds of horses (Arabians, American Saddlebreds, Morgan horses), which also train with action devices such as chains and rollers but do not wear them when shown at competitions. Action devices used in other breeds are not limited by weight and usually of lower weight than those used in TWHs. Walking horses are often trained with action devices weighing in excess of the 6-ounce action devices currently allowed for competition. The use of heavier or more cumbersome devices in training may be more likely to contribute to the formation of the lesions'' seen on the pasterns of TWHs. Additional study will enable APHIS to better understand the physiological and dermatological changes associated with the use of action devices to train TWHs and racking horses, and whether it is possible to develop a regulatory provision like the scar rule that aligns with the HPA's statutory authority, can be consistently applied, and effectively conveys clear standards for dermatologic conditions that are indicative of present soreness.

In the meantime, as noted above, the horse industry enforced its own scar rule long before the USDA added it to the regulations in 1979. As such, the industry—through show managers, HIO leadership, judges, owners, trainers, farriers, riders, and exhibitors of horses—could again decide to align on self-regulation to address the issue of horses that bear scars and other evidence of past abuse indicative of soring to ensure fair competition for individuals who carefully breed and patiently train their horses.

Inspection of Horses by APHIS (§ 11.4)

In this section, we are proposing to make two substantive changes. First, we are proposing to add a provision to paragraph (b) to ensure that the person having custody of the horse during an inspection by an APHIS representative does not interfere with the examination procedures. Since 1990, the inspection procedures for DQPs in § 11.21(a)(4) have provided that the DQP shall instruct the person having custody of the horse to control it by holding the reins approximately 18 inches from the bit shank and that a horse shall not be inspected if whips, cigarette smoke, or other actions or paraphernalia are used to distract the horse during examination. We propose to incorporate these same requirements during an inspection by an APHIS representative. In conformance with proposed § 11.2, we would also add the use of masking agents, such as but not limited to sedatives or topical numbing agents, to the list of actions and paraphernalia that may not be used to cause the horse not to respond to APHIS' examination. It is our intent to prohibit any activities that interfere in any way with the proper and reliable identification of a sore horse.

Specifically, the proposed addition to paragraph (b) would state: ''During the inspection, the person having custody of the horse shall control the horse by holding the reins approximately 18 inches from the bit shank. Such person shall not present the horse in a manner that might cause the horse not to respond to APHIS' examination, including use of masking agents (such as, but not limited to, sedatives or topical numbing agents), whips, cigarette smoke, or other actions or paraphernalia to distract the horse during examination.''

Second, we propose to revise the procedures for reexamination of horses allegedly found to be in violation of the Act or regulations by an APHIS representative. Currently, the regulations in § 11.4(h) provide that the owner, trainer, exhibitor, or other person having custody of such a horse may request reexamination and testing of the horse within a 24-hour period, provided such request is made to the APHIS Show Veterinarian immediately after the horse has been examined by APHIS representatives and before the horse is removed from the inspection area. The APHIS Show Veterinarian will reexamine the horse if he or she determines that sufficient cause for reexamination exists and the horse is maintained under APHIS supervisory custody during the reexamination.

As discussed above, the U.S. District Court in *Gould* issued an order preliminarily enjoining enforcement against plaintiffs of the ''disqualification rules that fail to provide adequate due process'' in the current regulations, and in *Celebration,* it vacated the reexamination and appeal procedures in the May 2024 Horse Protection final rule.

To address the deficiencies with the reexamination and appeal procedures, we are proposing two interlocking mechanisms to ensure adequate pre-deprivation review of findings by an APHIS representative that a horse is allegedly in violation of the Act or regulations before notification to management for purposes of disqualifying or excusing the horse from competition. First, we would revise the reexamination procedure in current § 11.4 to require a second APHIS veterinarian to independently inspect the horse. Thus, two APHIS veterinarians who independently inspected the horse must concur on a finding of an alleged violation of the Act or regulations before notifying the person having custody of the horse of the alleged violation.

As noted, the two APHIS veterinarians must concur as to the type of finding. If one APHIS veterinarian found the horse sore and the other APHIS veterinarian found an equipment noncompliance, they would not ''concur'' on a finding. Alternatively, if one APHIS veterinarian found the horse bilaterally sore on the forelimbs and the other APHIS veterinarian found the horse unilaterally sore on a forelimb, they would concur on the finding of a unilateral sore horse. This approach is consistent with FEI Sports Limb Sensitivity Testing Procedure. As noted in the NAS study, the FEI procedure provides that ''[a]ll veterinarians and the ground jury must agree that the horse shows altered sensitivity, although they do not have to agree on precisely where the horse is sensitive.'' By requiring two APHIS veterinarians to concur as to type of finding, this proposed provision would remove the APHIS Show Veterinarian's discretion to grant or deny a request for reexamination based on their determination of whether sufficient cause for reexamination exists and alleviate the burden of requesting a reexamination on the part of the person having custody of or responsibility for the horse.

To be clear, we are proposing these revisions to the reexamination procedures specifically to address the due process concerns identified by the U.S. District Court in *Gould* and *Celebration.* APHIS representatives who conduct inspections at covered events are highly trained, experienced veterinarians who follow established examination protocols to assess compliance with the HPA and its regulations. While inspections conducted by APHIS veterinarians are reliable, the NAS study highlighted limitations in prior procedures requiring two APHIS veterinarians to concur on findings of noncompliance. As the NAS noted, these procedures may not account for changes that can occur between examinations, the horse's response to repeated palpation, or the influence of prohibited substances—whether applied parenterally or topically—on findings over time.

However, given the court's due process concerns, we believe it is necessary to adopt clear, standardized, and nondiscretionary reexamination procedures that ensure owners, trainers, exhibitors, and other persons having responsibility for a horse receive adequate pre-deprivation process. We recognize that this approach may introduce some risk that a horse could respond differently between examinations by APHIS veterinarians, but we conclude that the benefit of providing procedural protections outweighs the potential for changes in a horse's response that could lead APHIS veterinarians to reach different findings. In addition to requiring two APHIS veterinarians to independently inspect any horse allegedly in violation of the Act or regulations, we would also allow the owner, trainer, exhibitor, or other person having custody of or responsibility for the horse the opportunity to appeal the finding to a qualified Appeals Official before the horse is removed from the inspection area (the qualifications of Appeals Officials is discussed in ''Qualifications of Appeals Officials (§ 11.8),'' below).

The Appeals Official would be responsible for independently reviewing the evidence or facts offered by the person who submitted the appeal and APHIS, considering the relevance, reliability, and credibility of such evidence and information, and applying the provisions of the Act and the regulations. Following his or her review, the Appeals Official may set aside the APHIS inspection finding or affirm the finding in whole or in part, while taking care to make his or her decision expeditiously so as not to delay or interrupt individual classes or performances at the horse show, exhibition, sale, or auction. At the event, the Appeals Official would provide an oral decision on the appeal

to APHIS and the person who submitted the appeal.

Under this proposal, APHIS would only notify management of a horse allegedly found in violation of the Act or the regulations if: (1) The two inspecting APHIS veterinarians independently inspected the horse and concur on the finding of an alleged violation of the Act or the regulations, and no appeal was submitted before the horse was removed from the APHIS inspection area; or (2) the Appeals Official provided an oral decision affirming, in whole or in part, the finding of an alleged violation or violations of the Act or the regulations.

Certification and Licensing of DQPs (§ 11.7)

Section 11.7, ''Certification and licensing of designated qualified persons (DQP's),'' sets forth the qualifications and requirements for DQPs and DQP programs. Paragraph (a) of § 11.7, ''Basic qualifications of DQP applicants,'' lists basic professional qualifications required of DQP applicants and paragraph (b) lists certification requirements for DQP programs certified by the Department and initiated and maintained by HIOs. As part of maintaining a certified DQP program, HIOs are responsible for delivering the training curriculum as well as ensuring that criteria for selecting and licensing DQPs are met. In addition, paragraphs (c) and (d) establish licensing requirements for DQPs and requirements that must be met by DQPs and HIOs. Finally, paragraphs (e), (f), and (g) establish prohibitions on the appointment of certain persons to detect and diagnose horses which are sore or to otherwise inspect horses for the purpose of enforcing the Act, and procedures for cancelling DQP licenses and revoking DQP program certifications of HIOs, respectively.

In this section, we propose changes to address the root causes of discrepancies in inspections: Third-party inspector qualifications, third-party inspector training and oversight, and the thoroughness and consistency of inspection procedures. First, based on recommendations from the OIG audit report and NAS study regarding DQP performance, we propose changes related to:

- Conflict of interest—DQPs should be screened for conflicts of interest to ensure objective inspection outcomes.
- Training and evaluation—DQPs should be trained and evaluated for competency by experienced equine veterinarians.
- Performance monitoring—DQP performance should be monitored to ensure inspection procedures are followed and inspections are performed consistently, whether APHIS is present at the event or not.

Second, we propose changes to enhance the certification requirements for DQP programs and strengthen the inspection procedures that will occur at HPA-covered events. As noted above, in the May 2024 Horse Protection final rule, APHIS removed all HPA enforcement-related responsibilities from HIOs and restricted HIOs from providing services at events that fall under the regulations. This means that, if APHIS were to retain the HPI program, APHIS would have to fund enhancements to the inspection process (which would be cost prohibitive), continue to use enhanced inspection techniques on an event-by-event basis (which has led to the inconsistencies and discrepancies in inspection findings), or make no changes to the inspection process and, thus, not address important aspects of the problem related to the adequacy of inspections at HPA-covered events (which is the course the Agency took in the May 2024 Horse Protection final rule). By retaining and enhancing the certification requirements for DQP programs, APHIS can address recommendations from TWHNCA's VAC Report,[1] the AAEP's White Paper on Putting the Horse First, and the NAS study to improve the HPA inspection procedures at HPA-covered events.

All three groups have stressed the need for consistent inspection procedures at HPA-covered events that align more closely with inspection procedures used in other horse sports, such as blood testing to test for sedatives and improved testing for topical prohibited substances. Although APHIS has, at times, tested blood samples and swabs for prohibited substances and used diagnostic techniques, such digital radiography, when carrying out HPA compliance inspections, APHIS has not modernized the DQP inspection procedures in the regulations that apply at all HPA-covered events since 1992. When APHIS and third-party inspectors use different techniques to assess horses for compliance with the HPA, it results in variability in inspection, discrepancies in inspection findings, and inconsistent application of the HPA. For these reasons, APHIS is proposing changes to enhance the certification requirements for DQP programs and strengthen the HPA inspection procedures.

Basic Qualifications of DQP Applicants

Section 11.7(a) of the current regulations lists the basic qualifications required of DQPs. In brief, persons are eligible to be licensed as DQPs if they are: (1) Accredited veterinarians who are members of AAEP, large animal practitioners with substantial equine experience, or are otherwise knowledgeable in the area of equine lameness as related to soring and soring practices; or (2) farriers, horse trainers, or other individuals knowledgeable about horses whose experience and training qualify them for positions as HIO stewards or judges and who have been formally trained and licensed as DQPs by a certified HIO. Accredited veterinarians who meet the listed criteria do not need to undergo formal training.

In contrast to the current requirements, the May 2024 Horse Protection final rule affirmatively required that veterinarians, as well as all other applicants, complete a formal training program administered by APHIS. In addition, the rule specified continual training of HPIs as APHIS determines to be necessary as a condition of maintaining authorization to inspect horses.

We continue to believe that it is important that all third-party inspectors have substantial equine experience and receive formal training on the HPA before conducting inspections of horses, including veterinarians, who do not typically receive training on the HPA and regulations and their interpretation, the history of soring, the procedures for monitoring horses at HPA-covered events, or the HIO-specific procedures or standards for DQPs within DVM programs. Therefore, we are proposing to revise the basic qualifications of DQP applicants to require that all DQP candidates undergo the formal training requirements set forth in this section. In addition, we are proposing to streamline the qualifications for DQP applicants who are veterinarians. We believe that veterinarians with extensive equine experience are well qualified to be DQPs and that the additional requirements pertaining to AAEP membership and veterinary accreditation are unnecessary and overly restrictive. In addition, these proposed changes are intended to complement the academic and professional experiences of veterinarians by ensuring that all DQPs possess the specialized knowledge and skills needed to conduct inspections under the HPA.

[1] The VAC's Initial Report details its processes for taking blood samples, conducting digital radiography, and removing shoes from horses, *https://www.walkinghorsereport.com/pdf_0/Initial%20VAC%20Report.pdf.*

In addition, we are also proposing to make clarifying edits to the second category of persons who may be eligible to be licensed as DQPs. The amended provision would state that, ''Individuals who are knowledgeable about equine husbandry or science and whose experience or training would qualify them for positions as stewards or judges for recognized breed associations or equestrian organizations'' may be eligible to be licensed as DQPs. The proposed changes to this provision are intended to clarify what kind of knowledge about horses is relevant (husbandry or science) and allow for either experience or training (not necessarily both) as a basis for the basic qualification of DQP applicants. In addition, because the reference to HIOs could be read as circular (insofar as DQP candidates are seeking training and licensure from HIOs), we are clarifying that, by horse industry organizations and associations in this provision, we mean recognized breed associations or equestrian organizations. We anticipate that farriers, trainers, horse stewards, judges, veterinary students, veterinary technicians, and other individuals may also meet this basic qualification, depending on their equine knowledge, experience, and training.

Certification Requirements for DQP Programs

Under § 11.7(b), HIOs desiring a USDA certification to train and license DQPs must submit a formal request for certification and a detailed outline of their program for approval. The outline must include the organizational structure of the HIO and, in brief, must contain:

- The criteria to be used in selecting DQP candidates and the minimum qualifications and knowledge regarding horses each candidate must have to be admitted to the program;
- A copy of the formal training program, classroom and practical, required to be completed by each DQP candidate before being licensed by the HIO;
- A sample of a written examination which must be passed by DQP candidates;
- The criteria to be used to determine the qualifications and performance abilities of DQP candidates selected for the training program and the criteria used to indicate successful completion of the training program;
- The criteria and schedule for a continuing education program and the criteria and methods of monitoring and evaluating performance for continued licensing of DQPs;
- Procedures for monitoring horses in the unloading, preparation, warmup, and barn areas, or other such areas;
- The methods to be used to ensure uniform interpretation and enforcement of the HPA and regulations by DQPs and uniform procedures for inspecting horses for compliance with the Act and regulations;
- Uniform inspection procedures based on currently accepted methodology and practices in the horse industry for swabbing pasterns and testing the samples for prohibited substances, and for the collection and testing of blood samples for sedatives and other drugs that may cause a horse not to respond to a DQP's examination; and
- Standards of conduct for DQPs.

As discussed above, one of the principal concerns that has been identified regarding DQP performance is the need for enhanced training and evaluation. To ensure that DQP candidates are adequately trained and evaluated by experienced equine veterinarians, we are proposing to require that APHIS furnish such instructors for portions of the formal training program. Specifically, we propose that APHIS furnish the instructors who are experienced equine veterinarians for the classroom instruction on the HPA and regulations and their interpretation, the history of soring, the inspection procedures necessary to detect soring, the detection and diagnosis of soring, and related subjects. In addition, APHIS would furnish such instructors for the practical instruction in clinics and seminars using live horses with actual application of the knowledge gained in the classroom. Requests for such instructors and notifications of other courses would have to be made to APHIS in writing at least 60 days in advance of the training.

To ensure candidates demonstrate the knowledge and skills required to be a DQP before obtaining a license, we would require that each candidate pass a practical examination, in addition to a written examination, administered by the HIO and achieve a minimum score of 85 percent on each examination, which demonstrates sufficient mastery of the required knowledge and skills and is the same standard required to become a USEF-licensed steward.

Another principal concern that has been identified regarding DQP performance is the need for sufficient monitoring to ensure DQPs follow inspection procedures and perform inspections consistently, whether APHIS is present or not. To address this concern, we are proposing that HIOs include in their outline for certification the criteria and methods of monitoring and evaluating the performance of DQPs. This outline would need to include methods to ensure each DQP is consistently carrying out his or her duties, including on-site observations by the HIO of the DQP's performance and a description of the procedures the HIO will follow to address situations where a DQP is failing to perform his or her duties in a satisfactory manner and consistently from event-to-event. At no time, however, may an HIO take any action that would interfere with or influence a DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations during the DQP's appointed tour of duty.

As discussed above, APHIS has long been concerned about the veracity of inspection under the HPA due to the use of medications and substances that interfere with compliance inspections by concealing signs of soring. Based on recommendations from AAEP and the NAS study, the industry's urging that APHIS include diagnostic methods for evaluating HPA compliance, and the unlawful use of certain medications and substances at HPA-covered events, we are proposing to require that DQPs ensure the collection of pastern swabs and blood samples, in accordance with proposed § 11.21 and the uniform inspection procedures established by their HIOs. HIOs seeking USDA-certified DQP programs would need to include in the outline for their DQP program their uniform inspection procedures based on currently accepted methodology and practices in the horse industry for swabbing pasterns and testing the samples for prohibited substances, and for the collection and testing of blood samples for sedatives and other drugs that may cause a horse not to respond to a DQP's examination. HIOs would need to submit the data and references they relied upon to establish their proposed testing procedures, thresholds, and any sampling methodologies.

As an alternative, we considered specifying which substances are banned, the level at which a substance would cause a violation, and minimum numbers of horses to test. As part of this alternative, we reviewed prohibited substance testing results obtained from horses at HPA-covered events and lists of substances prohibited in horse sports, including the USEF Guidelines & Rules on Drugs and Medications and HISA's list of banned and controlled substances. Although these lists include many of the masking agents we have detected on horses at HPA-covered

events, they do not include all substances that cause or can reasonably be expected to cause a horse to be sore. In addition, we found that the lists are overbroad, insofar as they include substances that bear no relation to preventing soring. Further, we are aware that the substances used to sore horses have changed over the years, and new substances and new uses for substances continue to be invented. In addition, we anticipate certified HIOs may adopt different testing strategies, including testing a statistically reliable sample of swabs and blood from horses entered in each event or across all affiliated events to which they provide DQP services. To ensure diagnostic testing keeps pace with scientific and technological advances, we believe establishing a performance-based standard, rather than an engineering standard, would be more effective and responsive to emerging trends revealed in testing results. However, we welcome comment on this alternative, including data and information bearing on substances that should be banned or controlled and at what level to prevent soring.

In addition to this proposed action, we considered requiring collection and testing of urine samples for masking agents. However, we elected not to include such procedures in this proposed rule because urine testing often poorly correlates with the actual blood concentration of drugs, making it difficult to determine their impact. However, we welcome comment on this alternative, including data and information regarding its potential use under the HPA.

In addition, we are proposing to add that the uniform procedures established by HIOs must include procedures for the owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act or regulations by a DQP to contest the DQP's finding. Such procedures could include having a second DQP independently inspect the horse upon request. This proposed change would ensure owners, trainers, and other individuals have an opportunity to appeal both APHIS inspection findings and inspection findings of DQPs, who attend significantly more events than APHIS representatives.

Under the current regulations, HIOs desiring a Department certification to train and license DQPs must submit an outline of their program once for approval. Once approved, an HIO's DQP program is certified indefinitely, unless the program is revoked in accordance with § 11.7(g).

Many HIOs with Department certified DQP programs have been certified for decades. Even though the regulations have been amended and science and technology have advanced in the intervening years, there is currently no mechanism to ensure that the HIO training programs have kept pace with these changes. In addition, APHIS has found it difficult to remove DQP program certifications when an HIO becomes inactive, as there is no process to cancel certifications if the HIO becomes inactive or defunct.

To address these concerns, we are proposing to specify that Department certifications of DQP programs would be valid for 10 years from the date of issuance, unless the certification is revoked in accordance with § 11.7(g) or cancelled due to inactivity. Any HIO wishing to obtain a new DQP program certification from the Department for an additional period of certification may submit a new request in advance of the expiration date of the certification. As an alternative to this action, we considered specifying that DQP program certifications would be valid for 5 years from the date of issuance but determined that a 10-year duration was sufficient to ensure the DQP programs keep pace with changes to the regulations and advances in science and technology. If this provision is adopted, in the final rule we would provide that all existing DQP program certifications and any DQP licenses issued thereunder would expire 1 year after the effective date of the final rule to allow any and all HIOs desiring a Department certification ample time to submit an application for certification and train and license DQPs in accordance with the regulations.

In addition, we would establish a process for cancelling DQP program certifications due to inactivity. Specifically, APHIS will cancel an HIO's certified DQP program if, for at least 5 consecutive years, the HIO has not: Trained or licensed DQPs; had its licensed DQPs appointed by the management to inspect horses; or otherwise met any of the reporting or other requirements. Before cancelling the certification, APHIS will provide the HIO written notification and an opportunity to provide information sufficient to demonstrate maintenance and compliance of its DQP program.

Licensing of DQPs

In addition to requiring that DQP candidates be trained by instructors who are experienced equine veterinarians furnished by APHIS and pass written and practical examinations administered by HIOs with a minimum score of 85 percent on each examination, we are proposing to ensure DQP candidates are evaluated for competency by experienced equine veterinarians, as recommended in the NAS study. Specifically, we would revise the current requirement that prohibits the licensing of any person as a DQP ''until such person has attended and worked two recognized or affiliated horse shows, horse exhibitions, horse sales, or horse auctions as an apprentice DQP and has demonstrated the ability, qualifications, knowledge and integrity required to satisfactorily execute the duties and responsibilities of a DQP.'' We would revise this requirement by increasing the number of shows that the DQP must attend as an apprentice from two shows to four shows, and require that the DQP demonstrate the ability, qualifications, knowledge and integrity required to satisfactorily execute the duties and responsibilities of a DQP to an APHIS representative at one show after his or her apprenticeship.

Under the current regulations, after DQP candidates complete the formal training program, they participate in continuing education every year thereafter but are not required to complete the formal training program again, even if they are licensed for decades. Similar to the concerns expressed above regarding indefinite DQP program certifications, we believe it is critical that DQPs complete regular training to ensure they stay current on the law and regulations and science and technology, and are regularly evaluated to ensure they can accurately detect and diagnose soring in compliance with the Act. Accordingly, we are proposing to prohibit HIOs from issuing a license to any person as a DQP that is valid for longer than 5 years from the date of issuance. Any licensed DQP wishing to obtain a new license for an additional period of licensure would need to complete all training and licensing requirements for candidate DQPs.

As discussed above, another serious concern that has been raised about DQP performance relates to the need for enhanced screening for conflicts of interest to ensure objective inspection outcomes. As noted in the 2010 OIG audit, DQPs are known to have close ties to the industry and may have conflicts of interest that are not adequately addressed by the current regulations. To address this concern, we propose to strengthen the conflict-of-interest provisions pertaining to DQPs and ensure the integrity of the inspection process. Specifically, we are proposing enhanced minimum standards of conduct for DQPs, which would more closely align with the

standards of conduct for stewards and judges in other horse sports and include the following:

- A DQP shall not exhibit any horse at any horse show or horse exhibition, or sell, auction, or purchase any horse sold at a horse sale or horse auction that includes gaited horse breeds or at which he or she has been appointed to inspect horses.
- A DQP shall not have or had within the immediately preceding 5 years any personal, professional, or financial interest in showing, exhibiting, selling, or auctioning TWHs or racking horses, including but not limited to owning, training, riding, or caring for such horses that are shown or exhibited, either for him or herself or for those with whom he or she has immediate family (including a parent, child, spouse, in-laws, and grandparent) or business ties (including as a business partner, employer, or employee).
- A DQP shall not inspect horses at any horse show, exhibition, sale or auction that are owned, trained, are being exhibited by, or are being offered for sale by a member of the DQP's immediate family, the DQP's employer, or an officer or board member of the DQP's HIO.
- A DQP shall not accept a gift, favor, or employment from anyone (including an owner, trainer, exhibitor, or person having custody of or responsibility for a horse) who has an interest in a horse that is presented for inspection at a horse show, exhibition, sale, or auction containing TWHs or racking horses.
- A DQP shall not have an immediate family member, or business partner who works for or is an owner, trainer, exhibitor, or person having custody of or responsibility for a horse who participates in horse shows, exhibitions, sales, or auctions containing TWHs or racking horses.
- A DQP shall not participate in the sale, purchase, or ownership of a TWH or racking horse, or supply or provide goods or services related to such horses.
- A DQP shall not interact with owners, trainers, exhibitors, or any person having custody of or responsibility for a horse in a manner that creates a potential appearance of a conflict of interest, favoritism, or bias. (Examples of such interactions include, but are not limited to: providing preferential treatment at a show by beginning class inspections early; conducting less thorough, more thorough or different inspections for certain horses (based on trainer or owners); avoiding walking by certain barns while monitoring show grounds; overlooking noncompliance for certain trainers/barns or competitors while enforcing the regulations strictly for others, especially when personal relationships are involved; overlooking noncompliance while attending shows in certain locations and strictly enforcing the regulations in other locations; using non-public information about upcoming HIO rule changes, inspections, or enforcement priorities to benefit trainers, owners, etc.; and putting in a good word to a potential buyer for related to the purchase of a horse in a sale where they quietly receive a commission from the trainer, owner, etc.)
- A DQP shall not consume or be under the influence of alcohol or illegal drugs while performing official duties.

HIOs would be required to cancel the license of any DQP that violates these standards of conduct. As provided in the current regulations, the DQP may request a hearing before a review committee of not less than three individuals appointed by the HIO within 30 days of cancellation. If the review committee sustains the cancellation of the license, the DQP may appeal the decision of the committee to APHIS within 30 days from the date of their decision, and APHIS will make a final determination in the matter. If APHIS finds, after providing the DQP whose license has been cancelled with a notice and an opportunity for a hearing, that there is sufficient cause for the committee's determination regarding license cancellation, APHIS will issue a decision sustaining such determination. If APHIS does not find that there was sufficient cause to cancel the license, the HIO must reinstate the license.

Requirements To Be Met by DQPs and Licensing Organizations or Associations

Under the current regulations, APHIS requires DQPs to submit records concerning any horse they recommend management disqualify or excuse at a horse show, exhibition, sale, or auction, within 72 hours after the event is over. HIOs must then submit a report to the Department on a monthly basis, based on the information the DQP submitted to them. APHIS is aware the DQPs have encountered postal delays in submitting records to HIOs. In addition, HIOs often submit information on behalf of management, which must be submitted within 5 days of the event. Although HIOs meet their current monthly reporting requirements under § 11.7(d)(3), they routinely encounter challenges with meeting the 5-day deadline required of management, especially regarding the requirement that management must provide copies of each class or sale sheet, as described in § 11.22(a)(6). To better ensure compliance, we are proposing to lengthen the timeframe DQPs have to submit their records to not later than 5 days after the event and the timeframe management has to submit information to 30 days after the event. Concurrently, we would require that HIOs also submit the records they are responsible for providing under § 11.7(d)(3) within the same 30-day timeframe to eliminate any confusion regarding these reporting requirements. As an alternative to this action, we considered setting this deadline to monthly, to match the existing HIO reporting requirements, but determined that 30 days from the date of the event would ensure HIOs adequate time to obtain test results from pastern swabs and blood collection while also allowing for timely monitoring of compliance information and effective enforcement of the HPA.

In addition to lengthening the amount of time DQPs have to submit records to HIOs, we are proposing to expand the information that DQPs must submit to HIOs to ensure HIOs receive information regarding the horses that were swabbed for prohibited substances and from which blood samples were collected in accordance § 11.21, as well as the test results from such inspection. This change would help to ensure HIOs can adequately monitor DQP performance at horse shows, exhibitions, sales, and auctions.

Qualifications of Appeals Officials (§ 11.8)

We are proposing to establish a new § 11.8 that would delineate the qualifications of Appeals Officials who may be appointed by APHIS to provide decisions on appeals of APHIS inspection findings at any horse show, exhibition, sale, or auction.

Under this proposal, Appeals Officials would need to be neutral decision-makers with the subject matter expertise necessary to provide decisions on the appeals. Accordingly, we are proposing that an Appeals Official would have to be:

- A special Government employee (SGE) as defined in 18 U.S.C. 202; and
- A Doctor of Veterinary Medicine (or equivalent) who has no fewer than 5 years of direct experience providing veterinary care to horses; and
- Free of the conflicts specific to horse protection activities covered under the HPA.

Appeals Officials Must Be SGEs

Routinely, the Department hires experts, consultants, and advisors for specific projects from the private sector under an SGE appointment. These individuals are appointed to perform

temporary duties for no more than 130 days during a period of 365 days. As SGEs, Appeals Officials would be required to comply with all applicable rules and laws, including financial disclosure and ethics training requirements and conflicts of interest and outside payment, income, and gift prohibitions, and limitations on representational activities.

The time-limited nature of SGE appointments would fit well with the seasonal work of Appeals Officials. The horse show season typically runs from March through November, and events are often held in the evenings and on weekends. To ensure coverage throughout the full season, APHIS would appoint up to four SGEs with staggered schedules over the course of the season. In addition, the standards of conduct and ethics restrictions applicable to SGEs are important for ensuring neutral decisionmakers to hear appeals of APHIS inspection findings at covered events.

Appeals Officials Must Be Veterinarians With No Fewer Than 5 Years of Direct Experience Providing Veterinary Care to Horses

Appeals Officials would be expected to independently review evidence and facts pertaining to APHIS findings of alleged violations of the HPA or regulations, consider the relevance, reliability, and credibility of such evidence and information, and apply the provisions of the Act and the regulations to novel facts and circumstances. This work will require expert knowledge of equine husbandry and science, the HPA and regulations and their interpretation, the history of soring, the inspection procedures necessary to detect soring, the detection and diagnosis of soring, and related subjects. Accordingly, we propose that Appeals Officials be veterinarians with no fewer than 5 years of direct experience providing veterinary care of horses. In addition to this knowledge and experience, Appeals Officials would also be required to complete annual training on the HPA and regulations, and related subjects administered by APHIS prior to serving at any horse show, exhibition, sale, or auction.

Appeals Officials Must Be Free of Horse Protection-Specific Conflicts of Interest

In addition to the general conflict of interest restrictions applicable to all SGEs, Appeals Officials would have to be free of conflicts specific to horse protection activities covered under the HPA.

As discussed above, APHIS has long held concerns regarding conflicts of interest by licensed DQPs. The 2010 OIG audit determined that DQPs often failed to inspect horses in accordance with the HPA and disqualify sore horses, likely due to conflicts of interest. The USDA Office of the Judicial Officer and the NAS study reached similar findings, concluding that ''DQP examinations are found to be less probative than [USDA] examinations'' and that it is ''strongly recommended that the use of DQPs for inspections under the current regulations be discontinued.'' *In Re: Justin Jenne, Respondent,* 74 Agric. Dec. 118, 132, n.16 (U.S.D.A. Apr. 13, 2015) (noting, ''[r]outinely, DQP examinations are found to be less probative than United States Department of Agriculture examinations and the Judicial Officer has accorded less credence to DQP examinations than to United States Department of Agriculture examinations.'') (citing Oppenheimer, 54 Agric. 221, 269 (U.S.D.A. 1995) (Decision as to C.M. Oppenheimer); Sparkman (Decision as to Sparkman and McCook), 50 Agric. Dec. 602, 610 (U.S.D.A. 1991); Edwards, 49 Agric. Dec. 188, 200 (U.S.D.A. 1990), *aff'd per curiam,* 943 F.2d 1318 (11th Cir. 1991) (unpublished), *cert. denied,* 503 U.S. 937 (1992)). In this proposed rule, we are addressing these concerns by proposing additional standards of conduct for DQPs that include enhanced conflict of interest prohibitions, consistent with those applied to stewards and judges in other horse sports.

As with DQPs, we believe it is critical to ensure Appeals Officials are free of conflicts specific to HPA-covered activities to ensure the integrity of the inspection and appeals process. Under this proposal, no person would be able to serve as an Appeals Official that has or had within the preceding 5 years exercised any functions or responsibilities for any horse show, exhibition, sale, or auction containing TWHs or racking horses, including but not limited to the management, show manager, DQP, judge, farrier, steward, or HIO for such events. Further, no person could serve as an Appeals Official that has or had within the same period any personal, professional, or financial interest in showing, exhibiting, selling, or auctioning TWHs or racking horses, including but not limited to owning, training, riding, or caring for such horses that are shown or exhibited, either for himself or herself or for those with whom he or she has immediate family or business ties.

Authorization and Training of Horse Protection Inspectors (§ 11.19)

Section 11.19, ''Authorization and training of Horse Protection Inspectors,'' establishes the application process, qualifications, and training requirements of HPIs and states that APHIS will maintain a list of HPIs on its website. As discussed above, this is the only provision of the May 2024 Horse Protection final rule currently in effect. With the proposed withdrawing of the HPI program, this section would no longer be needed.

Responsibilities and Liabilities of Management (§ 11.20)

Under the HPA, it is unlawful to show, exhibit, or enter for the purpose of showing or exhibiting any sore horse in a horse show or exhibition, or to sell, auction, or offer to sell any sore horse in a horse sale or auction. The HPA also prohibits the horse's owner from allowing such activities to occur. In addition, it is also unlawful to show, exhibit, or enter for the purpose of showing or exhibiting, sell, auction, or offer for sale any horse which is wearing or bearing any equipment, device, paraphernalia, or substance that the Department has prohibited by regulation to prevent the soring of horses. The HPA also prohibits anyone from allowing any horse wearing or bearing such items to be shown, exhibited, or sold at a horse show, exhibition, sale, or auction.

The management of each horse show, exhibition, sale, or auction serves as primary enforcer of the HPA. The HPA provides management a choice: (1) Hire a DQP and face liability only if management allows the horse to compete after being notified that it is a sore or otherwise in violation of the Act or regulations; or (2) decline to hire DQPs and accept liability for failing to disqualify a horse that is sore or disallow a horse that is otherwise in violation of the Act or regulations from participating in an event, irrespective of whether such management knows that the horse is a sore.

Among other things, § 11.20 of the current regulations lists the responsibilities and liabilities of management, specifies procedures for management to follow should they be dissatisfied with a DQP's performance, identifies the horses DQPs must physically inspect at horse shows, exhibitions, sales, and auctions and when DQPs must report alleged violations of the Act or regulations to management, and establishes the minimum number of DQPs management must designate and appoint based on

the number of horses entered in a covered event.

In *Gould,* the court considered a challenge to USDA's ''No-Showback Rule,'' (*i.e.,* a policy prohibiting horses found sore or otherwise noncompliant with the HPA or regulations from being ''shown back'' or competing in a subsequent class of the same horse show). The court found that the ''No-Showback Rule'' likely constitutes an excess of statutory authority because the HPA only requires management to disqualify a horse that is sore or reasonably expects to be sore. The court explained that this ''language of the HPA concerns only the present and future existence of soreness—not soreness of the past'' and that ''allowing for the disqualification of horses that used to be sore flouts the plain text of the HPA.'' The court issued an order preliminarily enjoining enforcement of the ''No-Showback Rule.''

To align with the court's reasoning in this case, we are proposing to revise § 11.20 to clarify that management must disqualify any horse which is sore from participating or competing in the class in which the horse is entered or shown or the sale or auction in which the horse is being offered for purchase. This change would allow a person having custody of a horse the opportunity to present their horse for inspection after being disqualified by management from a previous class at the same horse show, exhibition, sale, or auction.

APHIS adopted the ''No-Showback Rule'' at the recommendation of the 2010 OIG audit report that found that exhibitors could use numbing or masking agents on the horse's legs or hooves to prevent the horse from exhibiting pain when being inspected the second time, which could result in the showing, exhibiting, sale, or auction of sore horses. As discussed above, the use of masking agents continues to be a serious concern for APHIS and this proposed rule includes several measures designed to deter and prevent the use of masking agents that interfere with inspection of horses.

In addition, we are proposing technical changes for consistency and to better align this section with the statute. Specifically, we would revise this section to clarify that management must disallow (not disqualify) any horse wearing or bearing any equipment, device, paraphernalia, or substance prohibited under the regulations, while also continuing to make clear that no person shall show or exhibit at a horse show or horse exhibition; sell or auction at a horse sale or auction; allow to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; enter for the purpose of showing or exhibiting in any horse show or horse exhibition; or offer for sale at a horse sale or auction any horse which is wearing or bearing any prohibited equipment, device, paraphernalia, or substance. As such, management would have the discretion to allow any person having custody of a horse to address certain equipment or other noncompliance that can be adjusted on the spot (such as adjusting a high band), while ensuring that unlawful equipment, devices, paraphernalia, or substances are not used on horses while being shown, exhibited, sold, or auctioned. In addition, we would clarify that management, regardless of whether they appoint and retain a DQP, must remove any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition from further participation prior to the tyeing of the class or the completion of the exhibition.

Finally, we are removing the requirement that, if event management does not appoint a DQP, they must personally inspect all first-place Tennessee Walking Horses and racking horses to determine whether the horses are sore. Instead, as the Horse Protection Act already requires, event management that chooses not to appoint a DQP will be held responsible if any sore or otherwise noncompliant horse is allowed to compete or participate in the event.

Among other things, paragraph (b)(1) of this section prohibits management from dismissing or otherwise interfering with DQPs during their appointed tour of duty even when management is dissatisfied with their performance. As explained in the 1978 proposed rule, APHIS established this requirement to ''protect any DQP from coercion, intimidation, threat, or any other pressure, in order to protect the integrity and credibility of any DQP program.'' We have become aware of management contacting DQPs during their tour of duty to discuss inspections of specific horses. Although we believe this activity is clearly prohibited under the current regulations, we are proposing to revise this sentence to expressly state that management shall not contact a DQP regarding his or her inspections during the DQP's tour of duty. Management will continue to have the prerogative of notifying APHIS and the certified HIO that licensed the DQP concerning the reasons management is dissatisfied with the DQP's performance.

Currently, paragraph (b)(2) and (b)(3) contain inspection procedures for DQPs. We propose to consolidate these requirements with the other DQP inspection procedures contained in § 11.21. In addition, we are proposing to revise the requirements currently contained in paragraph (b)(2) which require, among other things, that DQPs observe horses in the warmup ring ''whenever possible.'' Section 11.7(b)(6) requires HIOs to have procedures for monitoring horses in the warmup area, and § 11.21(b) requires horses to be held in a designated area after inspection that is under observation by the DQP. Because horses are only allowed into the warmup area after DQP inspection, there should be no unlawful devices, equipment, substances or paraphernalia available for use in that area. Nevertheless, while present at shows, APHIS has identified prohibited activities and devices (such as overweight chains) and found syringes and containers with sedatives and other prohibited substances in the warmup area and has been made aware of DQPs removing syringes from the warmup area and of individuals using syringes to inject reversal agents in horses in the warmup area after inspection. Accordingly, we are proposing to require that DQPs inspect any chain carts before allowing them into the warmup area and affirmatively ensure the warmup area and horses in the warmup area are free of unlawful devices, equipment, substances, or paraphernalia after inspection. Examples of such unlawful items include overweight or irregular shaped action devices, syringes, medications, or ointments. If the DQP finds such items in the warmup area, he or she must promptly remove them.

Finally, § 11.20(c) currently requires management that designates and appoints a DQP to inspect horses to use at least two DQPs when more than 150 horses are entered. We are proposing to change this provision to require at least two DQPs when more than 100 horses are entered. This proposed rule enhances the inspection requirements for DQPs, including requiring more thorough inspections and monitoring of the warmup area and ensuring that pastern swabs and blood samples are collected in accordance with § 11.21. We anticipate management of mid-sized shows will need at least two DQPs to perform their inspections in a timely fashion so as not to delay or interrupt actual individual classes or performances in light of these enhanced requirements. Concurrent with this proposed change, we would make conforming edits to the requirement in § 11.21(b) that DQPs shall inspect horses

no more than 2 classes ahead of time in shows fewer than 150 horses by changing 150 horses to 100 horses.

As an alternative to this proposed change, we also considered setting the threshold at 75 horses entered in the event, and welcome data and information on both options as part of this rulemaking. In particular, we welcome comments on the potential impact of this change on HPA-covered events that involve primarily pleasure horses, which historically have not presented the same level of concern regarding the potential unlawful devices and activities in the warmup area.

Inspection Procedures for DQPs (§ 11.21)

As discussed above, we are proposing changes throughout the regulations to address recommendations to improve the adequacy of the DQP program and strengthen HPA inspections. In § 11.21, we focus our proposed changes on expanding and clarifying DQP inspection procedures to ensure uniform and adequate inspections of all horses examined by DQPs, regardless of whether APHIS is present at the event or not.

Preshow Observation of Horses' Movement

In response to concerns of both the horse industry and animal welfare organizations that the preshow DQP examination procedures were not detailed enough to ensure a uniform and adequate inspection of horses, APHIS amended the regulations in 1990 to expand and clarify the procedures to be followed by DQPs in conducting inspections of horses. These changes included specifying procedures in § 11.21(a) for observation of a horse's movement so the DQP could assess whether the horse moves in a free and easy manner and whether the horse is free of any signs of soreness, such as unusual posture, distressed expression, or a reluctance to move. At that time, APHIS received comments recommending the horse walk in a serpentine or ''figure-8'' pattern because ''indicia of soreness are very likely to appear when a horse is forced to cross over its forelegs when turning.'' APHIS agreed with this comment in its October 1990 final rule but stated that the wording of the proposal was sufficient to ensure the DQP required such movement when necessary to help determine if a horse is sore.

However, the NAS study found that current inspection procedures are not sufficiently detailed to allow for sufficient observation of horse movement during preshow inspections because ''the distance between the two cones is too short and not all horses complete an entire figure 8. The horse takes three or, rarely, four steps around the right cone and may pivot toward the cone on the left. Furthermore, the horse may not complete a sufficient straight-line walk.'' Accordingly, the NAS study recommended that horses should be required to walk around cones in an expanded figure-8 pattern consisting of two adjoining circles, each with a 10-foot radius to allow for better observation of horse movement. The required straight-line evaluation could be done as the horse is walking to the top of the first circle and then back from the figure-8. APHIS agrees with this recommendation of the NAS study and is proposing to amend the regulations accordingly.

Digital Palpation and Examination

Currently, § 11.21 requires DQPs to digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. The DQP must examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The DQP must apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. While continuing to hold onto the pastern, the DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band. The DQP may examine the rear limbs of all horses inspected after showing, and may examine the rear limbs of any horse examined preshow or on the showgrounds when he or she deems it necessary, except that the DQP must examine the rear limbs of all horses exhibiting lesions on, or unusual movement of, the rear legs.

As noted in the NAS study, APHIS veterinarians are trained on where to stand and to follow a prescribed pattern of palpation and apply a prescribed amount of pressure using the pad of the thumb. The palpation protocol specifically instructs APHIS veterinarians to use the flat part of their thumb to apply enough pressure to flatten the flesh of the thumb, thus blanching the thumbnail. Referencing a 2008 study on mechanical nociceptive thresholds within the pastern region of TWHs, the NAS study noted that this amount of pressure is well below the threshold to produce a flinch response indicating limb sensitivity in normal TWH limbs. *Haussler, K. K., T. H. Behre, and A. E. Hill. 2008. Mechanical nociceptive thresholds within the pastern region of Tennessee walking horses. Equine Veterinary Journal.* Specifically, the 2008 study evaluated the minimum amount of pressure required to establish reference values within the pastern region of TWHs and found that the amount of pressure needed to flatten the flesh of the thumb or partially blanch the thumbnail is approximately 0.4–0.6 kg/cm^2, whereas none of the horses studied, which were not sore, responded to pressure less than 6.4 kg/cm^2 using pressure algometry. The study suggested that ''a more stringent pressure threshold'' could be used to detect soring ''with a low risk of false positive tests.'' In addition to this study, a 2020 literature review of pressure algometry for the detection of mechanical nociceptive thresholds in horses found that pressure algometry is a reliable and objective method to measure pain responses and found that intra-examiner repeatability is reported to be good but often depends on the level of operator experience using the instrument. *Haussler, K. K. 2020 Review: Pressure Algometry for the Detection of Mechanical Nociceptive Thresholds in Horses. Animals 10, no. 12.*

In developing this proposed rule, we considered prescribing the palpation protocol followed by APHIS veterinarians, but this study indicates that the amount of pressure applied under that protocol may be insufficient given the mechanical nociceptive thresholds of the study horses, which had not been sored. We also considered whether to propose the use of pressure algometry as an additional diagnostic tool for assessing compliance with the HPA. However, the 2008 study authors noted that additional study is necessary to establish ranges for padded horses because their shoeing and toe length could result in lower mechanical nociceptive thresholds and to assess the use of the tool in novel environments to determine whether the setting may impact horses' tolerance levels. For these reasons, we believe it would be premature to propose the use of pressure algometry in the inspection of horses under the HPA. However, we welcome additional data and research on this topic.

We are proposing to clarify when a DQP must examine the rear limbs of horses. Currently, the regulations state that a ''DQP may examine the rear limbs of all horses inspected after showing, and may examine the rear limbs of any horse examined preshow or on the showgrounds when he or she deems it necessary, except that the DQP shall examine the rear limbs of all horses

exhibiting lesions on, or unusual movement of, the rear legs.'' With the removal of the scar rule, we believe there may be questions regarding what the regulations mean by ''lesion'' as used in this provision. We are proposing to clarify that DQPs must examine the rear limbs of horses when the horse exhibits abnormal inflammation on or unusual movement of the rear legs. Abnormal inflammation may include redness of skin, edema of the skin, and loss of skin integrity on both hindlimbs in the same approximate degree and in the same approximate area on each leg.

Inspection of Tack

Currently, § 11.21 requires the DQP to instruct the person having custody of a horse to control it by holding the reins approximately 18 inches from the bit shank. Further, the DQP is not required to inspect the horse if a horse is presented in a manner that might cause the horse not to respond to the DQP's examination or if whips, cigarette smoke, or other actions or paraphernalia are used to distract a horse during examination. These provisions were established in the 1990 final rule referenced above and were intended to ensure the integrity and consistency of the inspection process.

Despite these provisions, we continue to be aware of efforts to distract horses during inspection to inhibit their response to pain. In 2011, an owner and operator of a stable that trained TWHs was sentenced for a HPA criminal conviction when a horse trained at the stable was discovered wearing a nerve cord—in this case, a plastic zip tie that distractingly stimulated the horse's gums—in its mouth and found bilaterally sore during inspection. In 2012, the AVMA issued a fact sheet on soring that identified several unethical methods that trainers and owners use to thwart inspections, including the use of a bit burr under the saddle, hand twitch, or surgical staples under the mane just before inspection. In a 2018 open letter to the horse industry, APHIS reiterated the need for DQPs to request the person having custody of the horse to remove tack for inspection when warranted due to these unlawful practices. Most recently, in 2025, a DQP discovered a burr under the saddle of a horse as a means of stewarding the horse during its preshow inspection. To ensure that horses are consistently checked for these and other unlawful devices that may distract them during inspection, APHIS is proposing to require all DQPs to affirmatively inspect under the horse's mane and around and under any tack, including the bit and saddle, for such devices before beginning the physical examination.

Inspection for Prohibited Substances and Masking Agents

As discussed above, APHIS has long been concerned about the veracity of inspection under the HPA because of the use of medications and substances that interfere with compliance inspections by concealing signs of soring. Based on recommendations from AAEP and the NAS study, the fact that there is a common, established practice of blood sampling to test for prohibited medications and medications above therapeutic levels in horse sports around the world, and the unlawful use of such medications and substances at HPA-covered events, we are proposing to amend § 11.2 to expressly prohibit the use of masking agents (such as, but not limited to, sedatives or topical numbing agents) and substances that conceal evidence of soring. In addition to masking soring, such actions may cause a false entry or statement in a report or other required record that DQPs or APHIS representatives prepare and are a grave violation of the Act.

To ensure that horses are consistently inspected for masking agents and substances at HPA-covered events, we are proposing four changes to the DQP inspection procedures. First, we propose to require that DQPs ensure the swabbing of the front pasterns of a percentage of other horses in accordance with the uniform inspection procedures of the DQP's certified organization or association. Second, we propose that, for all horses presented for preshow inspection, DQPs wipe all aspects of the front pastern using a clean cotton pad or cloth and inspect the pad for signs of substances prohibited in § 11.2(c) of the regulations, including dyes, ointments, hair filler, and chemical smells, in accordance with the uniform inspection procedures of the DQP's certified organization or association. Third, we propose that DQPs must ensure the collection of blood samples of any horse that is sore or otherwise not in compliance with the Act or regulations and a percentage of other horses in accordance with the uniform inspection procedures of the DQP's certified organization or association. And fourth, we propose that DQPs ensure the collection of blood samples on TWHs and racking horses tyed first in their class or event.

Consistent with this change, we also would revise the provision in § 11.21(a)(4) for DQPs to decline to examine a horse if it is presented in a manner that might cause the horse not to respond to examination by adding the use of masking agents to the list of actions and paraphernalia that could distract a horse during examination. If the DQP inspects a horse preshow that appears to be or could be sedated, the DQP would be required to inspect the horse after it is shown or exhibited for compliance with the Act and regulations. Moreover, we would make it clear that a DQP may decline to examine a horse if the owner, trainer, exhibitor or other person having custody of or responsibility for a horse takes any other action to interfere or influence the DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations.

Inspection of Devices

As discussed above, we are proposing to amend § 11.2(b)(17) to reaffirm the original intent of the prohibition on devices striking the coronet band of the foot of a horse except for soft rubber or soft leather bell boots that are used as protective devices. The intent of this requirement is to prevent the use of devices from being placed on a horse's leg in a manner that will allow such device to strike the coronet band of a horse's foot while such horse is in motion or at rest. Thus, for purposes of HPA compliance inspections, the APHIS representative or DQP will evaluate any chain or action device placed on a horse to ensure it does not land on or strike any location around the circumference of the coronet band. To ensure this evaluation occurs during DQP inspection, we are also proposing to add a conforming change to the inspection procedures in § 11.21. Specifically, we propose that the DQP must verify that any action device or any other device will not strike any portion of the coronet band when the horse is standing or moving during preshow inspection.

Postshow Inspection of Pads

For nearly four decades, the agency has faced challenges with assessing horses shown or exhibited wearing padded shoes for compliance with the HPA. As early as 1979, APHIS observed from its experience in enforcing the Act and regulations that a relationship exists between the use of pads and soring in horses. In its 1979 final rule, APHIS stated that ''if the horse industry makes no effort to establish a workable self-regulatory program for the elimination of sore horses, or if such program is established but does not succeed in eliminating the sore horse within a reasonable length of time, the Department will give serious

consideration to the prohibition of all . . . pads.''

In 1988, after remand from the Court of Appeals, the U.S. District Court for the District of Columbia recognized that the results of a study conducted by the Auburn University School of Medicine supported a finding that the use of padded shoes resulted in soring and ordered the USDA to institute rulemaking proceedings to promulgate regulations conforming to the requirements of the Act. *Am. Horse Prot. Ass'n, Inc.* v. *Lyng,* 681 *F.Supp. 949 (D.D.C. 1988).* Among other things, the court stated that the Auburn Study strongly indicated padded shoes ''not only can reasonably be expected to cause soreness to a horse, but also can evade detection [of soreness] through the examination techniques employed at horse shows.'' In compliance with the court's order, APHIS issued four interim rules and a final rule between 1988 and 1989 that considered various amendments to the list of prohibited devices and equipment, including prohibitions on the use of padded shoes. Ultimately, however, APHIS did not retain certain proposed prohibitions on the use of pads in the 1989 final rule because some pads may be used for corrective purposes. At that time, in response to comments recommending a prohibition on all pads because they can hide objects inserted between the pad and the foot, APHIS also stated that a thorough preshow inspection of a horse combined with the removal of pads to permit visual inspection was an appropriate way of dealing with the insertion of objects, rather than the prohibition of all pads.

More than two decades later, in the May 2024 Horse Protection final rule, APHIS amended the regulations to prohibit the use of pads and wedges on TWHs and racking horses at horse shows, exhibitions, sales, and auctions, unless the horse has been prescribed and is receiving therapeutic treatment using pads or wedges as approved in writing by a licensed veterinarian. That amendment followed decades of disproportionately high rates of noncompliance found in TWHs and racking horses that compete in padded classes at horse shows and concerns that soring continues to occur through the use of performance packages that can introduce unnatural angulations of the foot or hide signs of pressure shoeing, among other things.

In *Celebration,* the U.S. District Court considered a challenge to the prohibition on all nontherapeutic pads on TWHs and racking horses at horse shows, exhibitions, sales, and auctions. The court found that the prohibition exceeded USDA's statutory authority because pads ''do not cause soring and can be used in an appropriate way.'' The court vacated the prohibition on nontherapeutic pads in the May 2024 Horse Protection final rule.

While being mindful of the U.S. District Court's order in *Celebration* regarding the HPA's statutory scope of authority, APHIS remains concerned about the disproportionately high rates of noncompliances found in TWHs and racking horses that compete in padded classes at horse shows and the use of performance packages to hide signs of pressure shoeing (including trimming the hoof to expose sensitive tissues and tightly nailing on a shoe or inserting a hard object between the pad and the sole to exert pressure on the sensitive tissue) to cause it to be sore and gain an unfair advantage in competition.

Although DQPs currently have the authority to remove pads as part of their inspection, we are aware that such examinations rarely, if ever, occur. The AAEP, in its 2008 recommendations for the elimination of soring within the TWH industry, recommended the reexamination of selected horses as they exit the ring to include ''removal of both front shoes of randomly selected horses'' and ''visual and hoof tester examination of unshod feet for evidence of methods directed at inducing pain, such as pressure devices and excessive paring of the sole and frog.'' Following this recommendation, from 2014 through 2016, the TWHNCA's VAC included shoe removal as a component of its inspection procedures for assessing HPA compliance.

In this proposed rule, we are proposing to require the removal of pads in certain circumstances so that DQPs will consistently inspect for pressure shoeing. Specifically, we would require DQPs to, at minimum, remove the pads on any TWHs and racking horses tyed first in their class or event and any time a DQP deems necessary to assure such horses are in compliance §§ 11.2(b)(13), (b)(18), and (b)(19), except that the DQP may require the removal of any pads on Tennessee Walking and racking horses tyed first in their class or event once per day if such horse tyed first in more than one class or event on a single day. In addition, if a horse tyed first is disqualified following inspection and the class is re-tyed, the DQP would be required to inspect the horse that is subsequently tyed first and require the removal of any pads to assure the horse is in compliance with §§ 11.2(b)(13), (b)(18), and (b)(19). This proposed change aligns with the purpose of the Act (*i.e.,* eliminating soring to promote fair competition) by confirming that top-placed horses are compliant and free of unfair competitive advantages that could be gained through pressure shoeing.

As alternatives to this proposed requirement, we considered having DQPs require the removal of pads on a random basis of a certain percentage of horses during their postshow inspections or all first place horses, including any horse that placed first in two classes on the same day. However, we elected to propose a more flexible standard because of cost, the likelihood of reduced risk of noncompliant alterations occurring between classes, and welfare concerns about repeat pad removal and replacement in the same day. We also considered whether certification requirements for DQP programs should include digital radiography as part of the inspection procedures for DQPs as a means of evaluating horses for prohibited objects and practices that may occur within the pad and shoeing of a horse. We recognize that, although digital radiography is less time-consuming because it generally does not require the removal of the pad, it also has its limitations in that it does not allow the DQP to visually inspect the horse's natural hoof or examine it with hoof testers. In this regard, digital radiography may not detect all causes of pressure shoeing, including trimming the hoof to expose sensitive tissues and certain hard objects that are not visible on radiograph. We welcome comments on these alternatives and the proposed requirements for postshow inspection of pads.

Reporting by Management (§ 11.24)

Under the current regulations, paragraph (a) of § 11.24 requires management to submit information required by § 11.22(a)(1) through (6) within 5 days following the conclusion of any horse show, exhibition, sale, or auction containing TWHs or racking horses for each horse excused or disqualified from being shown, exhibited, sold or auctioned and the reasons for such action. If management does not excuse or disqualify any horse, the management shall submit a report so stating. Similarly, paragraph (b) of this section requires management to inform APHIS within 5 days following the conclusion of any horse show, horse exhibition, or horse sale or auction which does not contain TWHs or racking horses of any case where a horse was excused or disqualified by management or its representatives from being shown, exhibited, sold or auctioned because it was found to be

sore. This provision has existed in the regulations since 1979.

In situations where management appoints and retains DQPs, APHIS is aware that some HIOs with certified DQP programs that provide licensed DQPs for an HPA-covered event will submit the information required under this section on behalf of management. Although such HIOs meet their current monthly reporting requirements under § 11.7(d)(3), they routinely encounter challenges with meeting the 5-day timeframe established under this part, especially regarding the requirement that management must provide copies of each class or sale sheet, as described in § 11.22(a)(6). Other challenges HIOs have encountered include postal delays in obtaining DQP records and other unforeseen circumstances, such as staff taking personal leave for a death in the family. We believe that lengthening the timeframe for management to submit the information required under this part is warranted and would not adversely affect APHIS' ability to review this information to assess compliance with the Act and regulations. Accordingly, we propose to lengthen the time management has to provide the information required under this section from 5 days to 30 days. Concurrently and as discussed above, we would require that HIOs with certified DQP programs also to submit the records they are responsible for providing under § 11.7(d)(3) within the same 30-day timeframe to eliminate any confusion regarding these reporting requirements.

As an alternative to this action, we considered lengthening this time to monthly, to match the existing HIO reporting requirements, but determined that 30 days would ensure HIOs adequate time to obtain test results from pastern swabs and blood collection while also allowing for timely monitoring of compliance information and ensure effective enforcement of the HPA.

Minimum Penalties To Be Assessed and Enforced by HIOs That License DQPs (§ 11.25)

As indicated above, APHIS was enjoined in 2015 from enforcing § 11.25. In *Contender Farms,* the U.S. Court of Appeals for the Fifth Circuit held that this section is not ''a valid application of USDA regulatory authority under the HPA,'' and, on remand, the U.S. District Court for the Northern District of Texas ruled that USDA is enjoined from enforcing section 11.25.[2] For this reason, we propose to remove § 11.25 from the regulations. In addition, we would make conforming changes to § 11.21 by removing paragraph (d), which requires HIOs that license DQPs to assess and enforce penalties for violations in accordance with § 11.25 and report all violations in accordance with § 11.20(b)(3).

Reporting Required of Appeals Officials and Access to Appeals Officials' Decisions (§ 11.42)

Finally, this proposed rule would require that Appeals Officials appointed by APHIS provide decisions on appeals of APHIS findings to submit information concerning any decisions on appeals to APHIS within 5 days after the horse show, exhibition, sale or auction. This information would include the name and address of the show and the show manager; the exhibitor's number and class number, or the sale or auction tag number of said horse; the name, age, sex, color, and markings of the horse; the date and time of the appeal review; a written response to the appeal and reasons for the decision; and copies of any evidence considered in providing a decision on each appeal. APHIS would require this information to evaluate the effectiveness of its inspection program, monitor the incidences of violations of the Act and regulations, and for use in its enforcement of the Act. APHIS would provide information to the trainer and owner of each horse allegedly found in violation of the Act or its regulations after appeal, including the name and date of the show, exhibition, sale, or auction and the name of the horse and the reason for the finding. Upon request, APHIS would also provide a copy of the Appeals Official's written response to the appeal to any person who had responsibility for the horse at the time of appeal, including the groom, exhibitor, or other person having custody of or responsibility for a horse, in accordance with any applicable laws or regulations, including the Freedom of Information Act (5 U.S.C. 552).

Miscellaneous Changes

In addition to the above changes, we are proposing several nonsubstantive and editorial changes to update APHIS' contact information, incorporate modern information sharing practices, simplify references to Department offices and representatives, replace antiquated spelling, punctuation, and drafting conventions, correct formatting and terminology errors, and enhance readability. For example, we are proposing to update APHIS' contact information used throughout the regulations. APHIS is no longer located at the address listed in the regulations. In its place, we propose to list our current email address (*horseprotection@usda.gov*) and mailing address (USDA/APHIS/AC, 2150 Centre Ave., Building B, Mailstop 3W11, Fort Collins, CO 80526–8117). To cite another example, we propose to simplify references to Department offices and representatives to improve readability. Currently, the regulations define seven terms to refer to various Department offices and personnel. Wherever possible, we use the terms APHIS and APHIS representative to standardize references to Agency activities and representatives. To the extent more specific or different terms are needed, we retained them in this proposal.

Executive Orders 12866 and 13563, Executive Order 14192, and Regulatory Flexibility Act

This proposed rule has been determined to be significant for the purposes of Executive Order 12866, and, therefore, has been reviewed by the Office of Management and Budget. As a proposed rule, however, it is not subject to Executive Order 14192.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also provides an initial regulatory flexibility analysis that examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently

[2] *Contender Farms, L.L.P.* v. *U.S. Dep't of Agric.,* 779 F.3d 258, 274 (5th Cir. 2015), *remanded sub nom. Show, Inc.* v. *U.S. Dep't of Agric.,* No. 4:12–cv–429, slip op. (N.D. Tex. Apr. 22, 2015).

have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

The Horse Protection Act (HPA, or Act, 44 U.S.C. 1821 *et seq.*) prohibits sore horses from participating in horse exhibitions, sales, shows, or auctions covered under the Act. The term ''sore'' when used to describe a horse includes applying an irritating or blistering agent to the any limb of a horse; inflicting a burn, cut, or laceration on any limb of a horse; injecting a tack, nail, screw, or chemical agent into any limb of a horse; or using any other substance or device on or engage in a practice involving a horse, and as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, with limited therapeutic exemptions.

The Secretary of USDA is authorized to issue regulations to carry out the purposes of the Act. The Secretary has delegated such authority to the Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the Act has been delegated to the Deputy Administrator for Animal Care. Regulations and standards established under the Act are contained in 9 CFR part 11 (referred to below as the regulations), and 9 CFR part 12 lists the rules of practice governing administrative proceedings.

On May 8, 2024, APHIS issued a final rule that significantly revised the HPA regulations (referred to as the May 2024 Horse Protection final rule), which was subsequently challenged in the U.S. District Court for the Northern District of Texas and partially vacated on January 21, 2025. We subsequently delayed the effective date of the non-vacated provisions of the May 2024 Horse Protection final rule on three separate occasions.

APHIS is now removing the vacated provisions of the May 2024 Horse Protection final rule, and proposing to withdraw the remaining non-vacated provisions. The reasons for the withdrawal are articulated in the preamble of the proposed rule that this economic analysis evaluates. The non-vacated provisions of the May 2024 Horse Protective final rule include that APHIS would screen, train, and authorize inspectors to conduct inspections at all HPA-covered events; relieve horse industry organizations (HIOs) from regulatory responsibilities; establish new reporting and recordkeeping requirements, including advance notice to APHIS of event details and post-event reporting; and affirmatively require event managers to provide a farrier at events with more than 100 entered horses (or on call for smaller shows), appoint an additional inspector when an event has more than 100 entered horses, and provide HPIs and APHIS representatives with adequate shelter, lighting and access to electricity.

Overall, the non-vacated provisions of the May 2024 Horse Protection final rule introduced modest costs for the industry—including additional costs associated with recordkeeping, familiarization with the new requirements, retaining and appointing an additional inspector when more than 100 horses are entered in a covered event, and costs for equipment like inspection shelters and generators, and a farrier, when needed. In terms of costs to APHIS, the agency estimated that its costs under the May 2024 Horse Protection final rule could increase by up to $3.2 million annually.

The withdrawal of the non-vacated provisions of the 2024 Horse Protection final rule is expected to have negligible economic impact because the rule's major cost-generating provisions—such as establishing a new APHIS-run inspection program, expanding APHIS staff to serve as alternative inspectors, establishing new reporting systems, and implementing nationwide recordkeeping changes—were intended to be funded by APHIS. Additionally, as noted, the 2024 Horse Protection final rule would have imposed modest increase in costs for event managers who already fulfill similar requirements as those contained in the rule. If the proposed rule were adopted, the costs and benefits associated with the non-vacated provisions of the May 2024 Horse Protection final rule would not be realized.

In addition to the withdrawal, APHIS is also proposing several revisions to the current Horse Protection regulations (current regulations) to ensure that the regulations afford due process and better align with the Act. Key proposed updates include:

- Addressing longstanding concerns with the adequacy of the Designated Qualified Persons (DQPs) program through enhanced training, evaluation, monitoring and standards of conduct provisions;
- Enhancing and modernizing the DQP inspection procedures to better ensure that only compliant horses enter the show ring or otherwise compete or participate in HPA-regulated events;
- Strengthening provisions to ensure that exhibitors, management, horse industry organizations and associations (HIOs), and other individuals do not interfere with APHIS or DQP inspections of horses;
- Prohibiting the use of masking agents and other substances that conceal evidence of soring (such as sedatives or topical numbing agents);
- Removing the scar rule;
- Revising APHIS' inspection procedures to require two APHIS veterinarians to independently inspect and concur on a finding of a noncompliance before notifying the individual having responsibility for the horse;
- Establishing a process for individuals who are responsible for a horse to immediately appeal APHIS inspection findings to a neutral Appeals Official at the event; and
- Clarifying the responsibilities of management for disqualification of sore horses and the prohibitions on horses otherwise not in compliance with the Act or regulations.

The overall objective of the proposed rule is to align the regulations with the HPA and promote more effective and consistent enforcement of the Act and regulations. The principal proposed amendment to the current regulations is designed to address longstanding concerns with the adequacy of the DQP program through enhanced training, evaluation, monitoring, and conflicts of interest provisions. Currently, candidate DQPs must complete 14 hours of training and other requirements before the candidates can obtain a license. Once licensed, DQPs must complete at least 4 hours of continuing education each year thereafter. Under the proposed rule, DQPs would need to obtain a new license every 5 years, which means they would need to complete the 14 hours of training and other requirements every 5 years. Licensed DQPs would still need to complete at least 4 hours of continuing education annually under the proposed rule.

The proposed rule would also reduce burden on HIOs with Department-certified DQP programs by having APHIS furnish experienced equine veterinarians to serve as instructors for 10 hours out of the 14 hours of candidate DQP training and the 4 hours of annual continuing education. For DQP candidate training, the HIO would continue to provide an instructor for 2 hours of classroom on the anatomy and physiology of the limbs of horses, one

hour of classroom instruction on DQP standards of conduct, and one hour of classroom instruction on recordkeeping and reporting requirements and procedures.

The proposed training changes include provisions that may have offsetting impacts on the total cost for HIOs. Although HIOs will incur lower costs for each individual training session as APHIS assumes responsibility for more instruction hours, the new 5-year licensing program introduces a recurring training cost that does not currently exist. The net economic impact of these changes is uncertain, as it depends on factors such as the average tenure of a DQP, for which we do not have data. It is possible that the increased frequency of training could be largely offset by the reduced cost per session, resulting in a minimal net change to overall training expenditures over time.

HIOs would still be responsible for developing and implementing the DQP training program (aside from the training curriculum APHIS would cover related to the HPA, history of soring, practical instruction, and annual continuing education). We anticipate that these changes will reduce costs for HIOs associated with the provision of instructors and training of DQPs because APHIS would assume responsibility for providing most of the instructors and developing the training for those courses. However, there will be additional costs to HIOs in developing the training program to fit the new requirements, including costs associated with training DQPs to ensure the collection of prohibited substance and blood samples, and monitoring of the warmup area at HPA-covered events. Under the proposed rule, DQPs would have to apprentice at four covered events before being eligible for licensure, whereas the current regulations require apprenticeship at two covered events before being eligible for licensure. HIOs would also be responsible for developing methods to assess DQP performance to ensure consistency across all HPA-covered events affiliated with the HIO, and providing a process that would allow the person having responsibility for or custody of a horse to contest a DQP's inspection finding. Additionally, APHIS would certify HIO DQP programs for a period of 10 years. Currently the programs are certified indefinitely, unless revoked. APHIS invites public comments on the costs to the HIOs and DQPs associated with these changes in the proposed rule.

Given that the proposed rule would involve establishing a new practical examination, DQP performance monitoring, and inspection procedures, it could take HIOs 4–6 weeks to establish compliant procedures and programs. Once they have developed their procedures and programs, it could take HIOs approximately 16 hours to update their outlines accordingly. Developing and implementing the compliant procedures and programs required by this proposed rule could involve some one-time costs for HIOs with DQP programs. The resources and time required to achieve compliance would likely vary across organizations, depending on the degree to which their existing procedures already align with the requirements for a DQP training program under the proposed rule. While it is reasonable to assume some HIOs have robust DQP training programs that are closer to meeting these new requirements, others would likely need to undertake more substantial changes to their programs under the proposed rule. Because neither the number of entities that would need to make significant changes nor the full extent of those changes is known, the overall cost that could be incurred due to this proposed rule is also unknown. We welcome data and information from the public regarding these estimates.

APHIS has historically found that events attended only by DQPs have reported lower rates of noncompliance than events that APHIS attended as well. The proposal includes several provisions designed to ensure consistent DQP inspections whether APHIS is in attendance or not, including enhanced and modernized inspection training and procedures, standards of conduct (including conflict of interest provisions), and procedures for HIOs to monitor DQP performance and follow up on performance problems. Considering the historical trends and contributing factors that are unrelated to the adequacy of DQP performance, it is possible that some DQPs may continue to report lower rates of noncompliance under the provisions of the rule, with costs accruing from missed detections. However, as noted above, APHIS is proposing changes to ensure clear guidelines and processes for conducting inspections, monitoring performance, and addressing DQP performance deficiencies.

With the removal of the scar rule, APHIS anticipates there may be an increase in the number of horses identified as ''sore'' after showing because the use of otherwise permissible devices (such as action devices) may aggravate preexisting conditions such that, postshow, a horse may exhibit abnormal sensitivity or inflammation on both forelimbs or hindlimbs or otherwise meet the statutory definition of ''sore.'' In addition, we believe that individuals wishing to gain an unfair competitive advantage may try to conceal signs of soring to pass preshow inspection in subsequent classes by applying masking agents to a horse's pasterns or sedating a horse to alter its response to palpation. However, the proposal includes several measures that will mitigate against these potential adverse outcomes, including prohibitions on masking agents and enhanced preshow and postshow inspection procedures. Overall, we believe these changes would better align the regulations with the statute, provide exhibitors with more opportunities to potentially show or exhibit horses that are not sore, and promote fair competition.

Finally, this rule would strengthen due process protections for participants by providing that APHIS will only notify management of a noncompliance if two APHIS veterinarians independently inspect the horse and concur on the finding. In addition, participants would have the option of immediately appealing the finding to a neutral Appeals Official before disqualification. If the participant did not submit an appeal in time or if the Appeals Official affirms APHIS' finding in whole or in part, APHIS would notify management of its finding. The proposed rule would also clarify the responsibilities of management regarding the disqualification of horses. The proposed rule would make clear that management is required to disqualify a sore horse from the specific class for which it was inspected only, rather than disqualifying the horse from the entire event. The proposal also clarifies that management may permit certain equipment corrections that can be fixed on the spot, thus allowing a horse to be re-inspected for and compete in that same class.

APHIS will incur additional costs associated with the hiring and provision of Appeals Officials at HPA-covered events where APHIS representatives conduct inspections, but we believe the benefits of ensuring due process and better alignment with the Act outweigh these costs to the government. Overall, the benefits of the proposed rule are expected to justify the costs. The proposed changes to the current regulations would promote the humane treatment of horses and fair competition by more effectively ensuring that horses that participate in covered events are consistently inspected and that only horses that are compliant with the HPA and regulatory requirements participate

in covered events. This benefit is an unquantifiable animal welfare enhancement and would result in greater public confidence that the animals are being treated humanely.

The proposed rule is not expected to adversely impact the communities in which covered events are held because such events are expected to continue. Owners are motivated to show their prized horses and are likely to continue participating in horse shows. Strengthened enforcement of the HPA is expected to also benefit shows, exhibitions, sales, auctions, and participants by improving the reputation of the Tennessee Walking Horse and racking horse industry. Participation in events may increase if the proposed rule were to result in increased confidence by owners in consistent inspections across all HPA-covered events and assurance that individuals who sore horses to gain a competitive advantage are likely to be prevented from participating.

We also estimate that approximately 80 DQPs would require training under the new provisions, which require an increase in DQP services in connection with the proposed requirement that management of covered events with more than 100 horses entered to appoint and retain at least two DQPs compared to the current 150 horses entered. In addition, approximately 12 HIOs would be eligible to submit applications to maintain their DQP program certifications if they were able to meet the enhanced requirements in the proposed rule. The entities affected by this proposed rule are likely small by SBA standards.

APHIS invites public comments on the potential impact of the proposed rule.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Executive Order 13175

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

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please send a copy of your comments to: (1) Docket No. APHIS–2026–0067, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW, Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

Under this proposed rule, proposed § 11.7(b) would require horse industry organizations and associations seeking a new Department certification of their Designated Qualified Persons (DQP) programs to submit additional information on their detailed outline. Specifically, HIOs would be required to add more detail regarding how they will address situations where DQPs fail to perform their duties in a satisfactory manner and the methods used to ensure uniform procedures for inspecting horses for compliance with the Act, including procedures based on currently accepted methodologies and practices in the horse industry for swabbing pasterns and testing samples for prohibited substances and for collecting and testing blood samples for sedatives and other drugs that may mask soring. In addition, HIOs would have to add their procedures for individuals having responsibility for a horse to contest a DQP's finding of a noncompliance in their outline for certification. Certifications would be valid for 10 years under the proposed rule.

In addition, the proposed rule would revise § 11.7(d) to lengthen the time DQPs have to submit copies of information concerning horses inspected at covered events to their licensing HIOs from 72 hours to 5 days and require DQPs to submit new information regarding any horses whose pasterns were swabbed for prohibited substances or from whom blood was collected for testing purposes.

Similarly, this proposed paragraph would also lengthen the time HIOs have to submit information regarding DQP inspections to APHIS from monthly to 30 days following the conclusion of each horse show, exhibition, sale, or auction and make other changes to align the HIO reporting with the DQP reporting requirements concerning prohibited substances and masking agents.

Please note that proposed § 11.24 would lengthen the time management has to submit information to APHIS concerning their horse shows, exhibitions, sales, and auctions from 5 days to 30 days. Accordingly, this proposed change would impose no new burden but would rather allow additional time to fulfill the existing reporting requirements. In addition, the records required for Appeals Officials under proposed § 11.42 pertain to government employees and are thus not subject to the Paperwork Reduction Act.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed reporting and recordkeeping requirements. These comments will help us:

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

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

Estimate of burden: The public burden for this collection of information is estimated to average 3.644 hours per response.

Respondents: Designated Qualified Persons (DQPs); and Horse Industry Organizations and Associations seeking or holding a USDA-certification of their DQP programs.

Estimated annual number of respondents: 79.

Estimated annual number of responses per respondent: 6.

Estimated annual number of responses: 494.

Estimated total annual burden on respondents: 1,799 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

A copy of the information collection may be viewed on the *Regulations.gov* website or in our reading room. (A link to *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) Copies can also be obtained by contacting *APHIS.PRA@usda.gov.* APHIS will respond to any ICR-related comments in the final rule. All comments will also become public record.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the EGovernment 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. For information pertinent to E-Government Act compliance related to this proposed rule, please contact *APHIS.PRA@usda.gov.*

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 11 as follows:

PART 11—HORSE PROTECTION REGULATIONS

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.

■ 2. Amend § 11.1 by:
■ a. In the introductory text of the section, removing the words ''and the masculine form shall also impart the feminine.''
■ b. Revising the definition for ''Animal and Plant Health Inspection Service'';
■ c. Removing the definition for ''APHIS Show Veterinarian'';
■ d. Adding a definition for ''Appeals Official'';
■ e. Revising the definition for ''Exhibitor'';
■ f. Removing the definition for ''Regional Director'';
■ g. Revising the definition for ''Secretary'';
■ h. Revising the definition for ''Sore'';
■ i. Removing footnote 1.

The addition and revisions read as follows:

§ 11.1 Definitions.

* * * * *

Appeals Official means a Special Government employee as defined in 18 U.S.C. 202 meeting the qualifications in § 11.8 of this chapter and appointed by APHIS to provide decisions on appeals of APHIS inspection findings at any horse show, exhibition, sale, or auction.

* * * * *

Animal and Plant Health Inspection Service or APHIS means the Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator. For purposes of this part, APHIS may be contacted by email at *horseprotection@usda.gov* or U.S. mail at USDA/APHIS/AC, 2150 Centre Ave., Building B, Mailstop 3W11, Fort Collins, CO 80526–8117.

* * * * *

Exhibitor means:

(1) Any person who enters any horse, any person who allows his or her horse to be entered, or any person who directs or allows any horse in his or her custody or under his or her direction, control, or supervision to be entered in any horse show or exhibition;

(2) Any person who shows or exhibits any horse, any person who allows his or her horse to be shown or exhibited, or any person who directs or allows any horse in his or her custody or under his or her direction, control, or supervision to be shown or exhibited in any horse show or horse exhibition;

(3) Any person who enters or presents any horse for sale or auction, any person who allows his or her horse to be entered or presented for sale or auction, or any person who allows any horse in his or her custody or under his or her direction, control, or supervision to be entered or presented for sale or auction in any horse sale or horse auction; or

(4) Any person who sells or auctions any horse, any person who allows his or her horse to be sold or auctioned, or any person who directs or allows any horse in his or her custody or under his or her direction, control, or supervision to be sold or auctioned.

* * * * *

Secretary means the Secretary of Agriculture or anyone who has heretofore or may hereafter be delegated authority to act in his or her stead.

* * * * *

Sore when used to describe a horse means:

(1) An irritating or blistering agent has been applied, internally or externally by a person to any limb of a horse,

(2) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(3) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(4) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

* * * * *

■ 3. Amend § 11.2:
■ a. In paragraph (b)(17), by adding the words ''any location on'' after the word ''strikes''.
■ b. By revising paragraph (c), including its subparagraphs.
■ c. By revising paragraph (e), including its subparagraphs.
■ b. By redesignating footnote 2 as footnote 1.

The revision reads as follows:

§ 11.2 Prohibitions concerning exhibitors.

* * * * *

(c) *Substances.* (1) No substance shall be used with respect to any Tennessee Walking Horse or racking horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore or masks or can reasonably be expected to mask evidence of soring.

(2) All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse after the horse has been inspected by management or by a DQP, except that

lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof may be used: *Provided,* That:

(i) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.

(ii) Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.

(iii) Horse show, exhibition, sale, or auction management makes such lubricants available to APHIS representatives for inspection and sampling as they deem necessary.

* * * * *

(e) *Information requirements—horse related.* Failing to provide information, providing any false or misleading information, or causing another person to provide false or misleading information required by the Act or regulations or requested by APHIS representatives to enforce the Act or regulations is prohibited.

(1) Such information shall include, but is not limited to:

(i) Information reasonably related to the identification, ownership, control, direction, or supervision of any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, or horse sale or auction, including the registered name, markings, sex, age, and legal ownership of the horse; the name and address of the horse's training and/or stabling facilities; the name and address of the owner, trainer, exhibitor, transporter, or other person having custody of or responsibility for the horse; the class or event in which the horse is entered or participated; and the exhibitor identification number; and

(ii) Information bearing on compliance with the requirements of the Act or regulations.

(2) The use of masking agents (such as, but not limited to, sedatives or topical numbing agents) and other substances that conceal evidence of soring may cause false entry or statement in a report or other record required under the Act or regulations and is thereby prohibited.

§ 11.3 [Removed and Reserved]

■ 4. Remove and reserve § 11.3.

■ 5. Revise and republish § 11.4 to read as follows:

§ 11.4 Inspection and detention of horses.

For the purpose of effective enforcement of the Act:

(a) Each horse owner, trainer, exhibitor, or other person having custody of or responsibility for any horse at any horse show, horse exhibition, or horse sale or auction, shall allow any APHIS representative to inspect such horse at all reasonable times and places the APHIS representative may designate. Such inspections may be required of any horse which is stabled, loaded on a trailer, being prepared for show, exhibition, or sale or auction, being exercised or otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction, whether or not such horse has or has not been shown, exhibited, or sold or auctioned, or has or has not been entered for the purpose of being shown or exhibited or offered for sale or auction at any such horse show, horse exhibition, or horse sale or auction. APHIS representatives will not generally or routinely delay or interrupt actual individual classes or performances at horse shows exhibitions, sales, or auctions for the purpose of examining horses, but they may do so in extraordinary situations, such as but not limited to, lack of proper facilities for inspection, refusal of management to cooperate with APHIS inspection efforts, reason to believe that failure to immediately perform inspection may result in the loss, removal, or masking of any evidence of a violation of the Act or the regulations, or a request by management that such inspections be performed by an APHIS representative.

(b)(1) When any APHIS representative notifies the owner, trainer, exhibitor, or other person having custody of or responsibility for a horse at any horse show, horse exhibition, or horse sale or auction that APHIS desires to inspect such horse, it shall not be moved from the horse show, horse exhibition, or horse sale or auction until the APHIS representative has completed the inspection and permitted the horse to be removed from the inspection area.

(2) During the inspection, the person having custody of the horse shall control the horse by holding the reins approximately 18 inches from the bit shank. Such person shall not present the horse in a manner that might cause the horse not to respond to APHIS' examination, including the use of masking agents (such as, but not limited to, sedatives or topical numbing agents) and whips, cigarette smoke, or other actions or paraphernalia to distract the horse during examination.

(c) For the purpose of examination, testing, or taking of evidence, APHIS representatives may detain for a period not to exceed 24 hours any horse, at any horse show, exhibition, sale, or auction, which is sore or which an APHIS representative has probable cause to believe is sore. Such detained horse may be marked for identification and any such identifying markings shall not be removed by any person other than an APHIS representative.

(d) Detained horses shall be kept under the supervision of an APHIS representative or secured under an official USDA seal or seals in a horse stall, horse trailer, or other facility to which access shall be limited. APHIS will have at least one representative present in the immediate detention area when a horse is being held in detention. The official USDA seal or seals may not be broken or removed by any person other than an APHIS representative, unless:

(1) The life or well-being of the detained horse is immediately endangered by fire, flood, windstorm, or other dire circumstances that are beyond human control.

(2) The detained horse is in need of such immediate veterinary attention that its life may be in peril before an APHIS representative can be located.

(3) The horse has been detained for a maximum 24-hour detention period, and an APHIS representative is not available to release the horse.

(e) Provided that the conditions in paragraphs (e)(1) and (e)(2) of this section are adhered to, the owner, trainer, exhibitor, or other person having custody of or responsibility for any horse detained by APHIS for further examination, testing, or the taking of evidence shall be allowed to feed, water, and provide other normal custodial and maintenance care, such as walking, grooming, etc., for such detained horse.

(1) Such feeding, watering, and other normal custodial and maintenance care of the detained horse must be rendered under the direct supervision of an APHIS representative.

(2) Any non-emergency veterinary care of the detained horse requiring the use, application, or injection of any drugs or other medication for therapeutic or other purposes must be rendered by a Doctor of Veterinary Medicine in the presence of an APHIS representative, and the identity and dosage of the drug or other medication used, applied, or injected and its purpose must be furnished in writing to the APHIS representative prior to such use, application, or injection by the Doctor of Veterinary Medicine attending the horse. The use, application, or

injection of such drug or other medication must be approved by the APHIS representative.

(f) When two APHIS veterinarians independently inspect a horse and concur on a finding of an alleged violation of the Act or regulations, APHIS will notify the person having custody of the horse of such alleged violation before the APHIS representative permits the horse to be removed from the inspection area.

(g) The person having custody of any horse or horses that an APHIS representative determines shall be detained for examination, testing, or taking of evidence pursuant to paragraph (c) of this section shall be informed after such determination is made and shall allow said horse to be immediately put under the supervisory custody of APHIS or secured under official USDA seal as provided in paragraph (d) of this section until the completion of such examination, testing, or gathering of evidence, or until the 24-hour detention period expires.

(h)(1) The owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act or regulations by an APHIS representative as stated in paragraph (f) of this section, may appeal the finding if the appeal is made:

(i) To the Appeals Official after notification of the alleged violation by APHIS; and

(ii) Before the horse has been removed from the inspection area.

(2) In considering appeals submitted in accordance with this paragraph, the Appeals Official shall independently review the evidence or facts offered by the person who submitted the appeal and offered by APHIS; consider the relevance, reliability, and credibility of such evidence or facts; and apply the provisions of the Act and the regulations.

(3) Following the review described in paragraph (h)(2), the Appeals Official may set aside the APHIS inspection finding or affirm the finding in whole or in part. The Appeals Official shall render his or her decision expeditiously so as not to delay or interrupt individual classes or performances at the horse show, exhibition, sale, or auction. The Appeals Official will provide an oral decision on the appeal to APHIS and the person who submitted the appeal.

(i) APHIS shall notify the show manager or other management representative of any horse allegedly found in violation of the Act or the regulations if:

(1) Two APHIS veterinarians independently inspected the horse and concurred on a finding of an alleged violation of the Act or the regulations, and the owner, trainer, exhibitor, or other person having custody of or responsibility for the horse did not submit an appeal before the horse was removed from the inspection area; or

(2) The Appeals Official provides an oral decision affirming, in whole or in part, the finding of an alleged violation or violations of the Act or the regulations, in accordance with this section.

§ 11.5 [Amended]

■ 6. Amend § 11.5:

■ a. In paragraph (b)(1), by removing the words ''horse owner, exhibitor, or other person having custody of or'' and adding the words ''horse owner, trainer, exhibitor, or other person having custody of or'' in their place.

§ 11.6 [Amended]

■ 7. Amend § 11.6 by removing the words ''APHIS Show Veterinarian'' wherever they appear and adding, in their place, the words ''APHIS representative''.

■ 8. Revise and republish § 11.7 to read as set forth below:

§ 11.7 Certification and licensing of designated qualified persons (DQPs).

(a) *Basic qualifications of DQPs.* DQPs holding a valid, current DQP license issued in accordance with this part may be appointed by the management of any horse show, exhibition, sale, or auction, as qualified persons in accordance with section 4(c) of the Act, to inspect horses to detect or diagnose soring and to otherwise inspect horses or any records pertaining to any horse for the purpose of enforcing the Act. Individuals who may be licensed under this part must be:

(1) Doctors of Veterinary Medicine with substantial equine experience; or

(2) Individuals who are knowledgeable about equine husbandry or science and whose experience and training would qualify them for positions as stewards or judges for recognized breed associations or equestrian organizations.

(b) *Certification requirements for DQP programs.* The Department will not license DQPs on an individual basis. Licensing of DQPs will be accomplished only through DQP programs certified by the Department and initiated or maintained by horse industry organizations or associations. Any horse industry organization or association desiring a Department certification to train and license DQPs under the Act must submit to APHIS a formal request in writing for certification of its DQP program and a detailed outline of such program for APHIS approval. Such outline shall include the organizational structure of such organization or association and the names of the officers or persons charged with the management of the organization or association. The outline shall also contain at least the following:

(1) The criteria to be used in selecting DQP candidates and the minimum qualifications and knowledge regarding horses each candidate must have in order to be admitted to the program.

(2) A copy of the formal training program, classroom and practical, that each DQP candidate must complete before being licensed by such horse industry organization or association, including the minimum number of hours, classroom and practical, and the subject matter of the training program. Such training program must meet the following minimum standards in order to be certified by the Department under the Act:

(i) Two hours of classroom instruction on the anatomy and physiology of the limbs of a horse. The instructor teaching the course must be specified, and a resume of said instructor's background, experience, and qualifications to teach such course shall be provided to APHIS in writing at least 60 days prior to such course.

(ii) Six hours of classroom instruction on the Horse Protection Act and regulations and their interpretation, the history of soring, the inspection procedures necessary to detect soring, the detection and diagnosis of soring, and related subjects. Instructors for this course must be experienced equine veterinarians furnished by APHIS. Requests for instructors to be furnished must be made to APHIS in writing at least 60 days prior to such course.

(iii) Four hours of practical instruction in clinics and seminars using live horses with actual application of the knowledge gained in the classroom subjects covered in paragraphs (b)(2)(i) and (ii) of this section. Methods and procedures required to perform a thorough and uniform examination of a horse shall be included. Instructors for this course must be experienced equine veterinarians furnished by APHIS. Requests for instructors to be furnished must be made to APHIS in writing at least 60 days prior to such course.

(iv) One hour of classroom instruction regarding the DQP standards of conduct promulgated by the licensing organization or association pursuant to paragraph (d)(7) of this section.

(v) One hour of classroom instruction on recordkeeping and reporting requirements and procedures.

(3) A sample of a written examination and practical examination, which must be passed with a minimum score of 85 percent on each examination by DQP candidates for successful completion of the program. The sample written examination and practical examination must include sample questions and answers and the scoring thereof for the written examination, and sample criteria for conducting the practical examination.

(4) The criteria to be used to determine the qualifications and performance abilities of DQP candidates selected for the training program and the criteria used to indicate successful completion of the training program, in addition to the written examination and practical examination required in paragraph (b)(3) of this section.

(5) The criteria and schedule for a continuing education program for continued licensing of DQPs by such organization or association. A continuing education program for DQPs shall include 4 hours of instruction per year. Instructors for this program must be experienced equine veterinarians furnished by APHIS. Requests for instructors to be furnished must be made to APHIS in writing at least 60 days prior to such instruction.

(6) The criteria and methods of monitoring and evaluating performance for continued licensing of DQPs by such organization or association.

The criteria and methods of monitoring and evaluating performance of DQPs shall include:

(i) Methods to ensure that each licensed DQP is consistently carrying out his or her duties during all appointed tours of duty at horse shows, exhibitions, sales, and auctions, including on-site observations by the HIO of the DQP's performance at such events; and

(ii) A description of the procedures the HIO will follow to address situations where a licensed DQP fails to perform his or her duties in a satisfactory manner, except that such procedures shall not authorize the horse industry organization or association or its officers or employees to take any action that would interfere with or influence a DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations during the DQP's appointed tour of duty at a horse show, exhibition, sale, or auction.

(7) Procedures for monitoring horses in the unloading, preparation, warmup, and barn areas, or other such areas. Such monitoring may include any horse that is stabled, loaded on a trailer, being prepared for show, exhibition, sale, or auction, or exercised, or that is otherwise on the grounds of, or present at, any horse show, exhibition, sale, or auction.

(8) The method to be used to ensure uniform interpretation and enforcement of the Horse Protection Act and regulations by DQPs and uniform procedures for inspecting horses for compliance with the Act and regulations, including:

(i) Uniform procedures based on currently accepted methodologies and practices in the horse industry for swabbing pasterns and testing samples for substances prohibited under § 11.2;

(ii) Uniform procedures based on currently accepted methodologies and practices in the horse industry for the collection and testing of blood samples for sedatives and other drugs that may cause a horse which is sore to not respond to a DQP's examination; and

(iii) Uniform procedures for the owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act or regulations by a DQP to contest the finding.

(9) Standards of conduct for DQPs promulgated by the organization or association in accordance with (d)(7) of this section.

(c) *Department certification of HIOs and HIO licensing of DQPs.* The horse industry organizations or associations that have formally requested Department certification of their DQP training, enforcement, and maintenance programs will receive a formal notice of certification from the Department, or the reasons, in writing, why certification of such program cannot be approved. Department certifications of DQP programs shall be valid for 10 years from the date of issuance, unless the certification is revoked in accordance with paragraph (g) of this section or canceled due to inactivity in accordance with paragraph (h) of this section. Any organization wishing to obtain a new DQP certification from the Department for an additional period of certification must submit a new request in accordance with this section. A current list of certified DQP programs and licensed DQPs will be published on APHIS' website at *https://www.aphis.usda.gov/hpa* at least once a year, and as further may be required for the purpose of deleting programs and names of DQPs who are no longer certified or licensed and adding the names of programs and DQPs who have been certified or licensed subsequent to the publication of the previous list. Additionally, each horse industry organization or association receiving USDA certification for the training and licensing of DQPs under the Act shall:

(1) Issue each DQP licensed by such horse industry organization or association a numbered identification card bearing the name and personal signature of the DQP, a picture of the DQP, the expiration date of the license, and the name and address, including the street address or post office box and zip code, of the licensing organization or association;

(2) Submit a list to APHIS of names and addresses, including email addresses (if available) and street addresses or post office boxes and zip codes, of all DQPs that have successfully completed the certified DQP program and have been licensed under the Act and regulations by such horse industry organization or association;

(3) Notify APHIS within 10 days of any additions or deletions of names of licensed DQPs from the licensed DQP list submitted to APHIS, any change in the address of any licensed DQP, or any warnings and license cancellations issued to any DQP licensed by such horse industry organization or association;

(4) Not license any person as a DQP if such person has been convicted of any violation of the Act or regulations occurring after July 13, 1976 or paid any fine or civil penalty in settlement of any proceeding regarding a violation of the Act or regulations occurring after July 13, 1976, for a period of at least 2 years following the first such violation, and for a period of at least 5 years following the second such violation, and any subsequent violation;

(5) Not license any person as a DQP until such person has attended and worked four recognized or affiliated horse shows as an apprentice DQP and has demonstrated the ability, qualifications, knowledge, and integrity required to satisfactorily execute the duties and responsibilities of a DQP to an APHIS representative at one show after his or her apprenticeship;

(6) Not license any person as a DQP if such person has been disqualified by the Secretary from making detection, diagnosis, or inspection for the purpose of enforcing the Act, or if such person's DQP license is canceled by another horse industry organization or association; and

(7) Not issue a license to any person as a DQP that is valid for longer than 5 years from the date of issuance. Any licensed DQP wishing to obtain a new license for an additional period of licensure must complete all training and

licensing requirements for candidate DQPs.

(d) *Requirements to be met by DQPs and Licensing Organizations or Associations.*

(1) Any licensed DQP appointed by the management of any horse show, horse exhibition, or horse sale or auction to inspect horses for the purpose of detecting and determining or diagnosing horses which are sore and to otherwise inspect horses for the purpose of enforcing the Act and regulations, shall keep and maintain the following information and records concerning any horse which said DQP inspects at such horse show, horse exhibition, or horse sale or auction, in a uniform format required by the horse industry organization or association that has licensed said DQP and submit copies to the horse industry organization or association not later than 5 days after the horse show, horse exhibition, horse sale, or horse auction is over:

(i) The name and address, including street address or post office box and zip code, of the show and the show manager.

(ii) The exhibitor number and class number, or the sale or auction tag number of said horse and whether the DQP:

(A) Determined the horse was in compliance with the HPA and regulations or recommended the horse be disqualified or excused for any reason.

(B) Ensured the pasterns of the horse were swabbed for prohibited substances in accordance with § 11.21.

(C) Ensured the collection of blood from the horse in accordance with § 11.21.

(iii) For any horse the DQP recommended be disqualified or excused for any reason:

(A) The name and address, including street address or post office box and zip code, of the horse owner.

(B) The name and address, including street address or post office box and zip code, of the horse trainer.

(C) The name and address, including street address or post office box and zip code, of the horse exhibitor.

(D) The exhibitor number and class number, or the sale or auction tag number of said horse.

(E) The date and time of the inspection.

(F) A detailed description of all the DQP's findings and the nature of the alleged violation, or other reason for disqualifying or excusing the horse, including said DQP's statement regarding the evidence or facts upon which the decision to disqualify or excuse said horse was based.

(G) The name, age, sex, color, and markings of the horse; and

(H) The name or names of the show manager or other management representative notified by the DQP that such horse should be excused or disqualified and whether or not such manager or management representative excused or disqualified such horse.

(iv) For any horse the DQP ensured the pasterns were swabbed for prohibited substances and/or the collection of blood from:

(A) The registered name and the exhibitor number and class number, or the sale or auction tag number of each horse.

(B) The name and address of the owner, trainer, exhibitor, or other person having custody of or responsibility for the care of each such horse.

(2) The DQP shall inform the person having custody of each horse allegedly found in violation of the Act or its regulations, or disqualified or excused for any other reason, of such action and the specific reasons for such action.

(3) Each horse industry organization or association having a Department-certified DQP program shall submit a report containing the following information, from records required in paragraph (d)(1) of this section and other available sources, to APHIS within 30 days following the conclusion of any horse show, horse exhibition, or horse sale or auction.

(i) The identity of the horse show, horse exhibition, sale, or auction that has retained the services of the DQPs licensed by said organization or association covered by the report. Information concerning the identity of such horse show, exhibition, sale, or auction shall include:

(A) The name and location of the show, exhibition, sale, or auction.

(B) The name and address of the show manager.

(C) The date or dates of the show, exhibition, sale, or auction.

(ii) The identity of all horses at each horse show, exhibition, sale, or auction that the licensed DQP recommended be disqualified or excused for any reason and the name of the licensed DQP that made each recommendation. The information concerning the identity of such horses shall include:

(A) The registered name and the exhibitor number and class number, or the sale or auction tag number, of each horse.

(B) The name and address of the owner, trainer, exhibitor, or other person having custody of or responsibility for the care of each such horse disqualified or excused.

(iii) The identity of all horses at each horse show, exhibition, sale, or auction that the licensed DQP ensured was swabbed for prohibited substances and from which blood samples were collected in accordance with § 11.21, the name of the person who performed those procedures, and the test results from those inspections. The information concerning the identity of such horses shall include:

(A) The registered name and the exhibitor number and class number, or the sale or auction tag number of each horse.

(B) The name and address of the owner, trainer, exhibitor, or other person having custody of or responsibility for the care of each such horse.

(4) Each horse industry organization or association having a Department certified DQP program shall provide, by certified mail if personal service is not possible, to the trainer and owner of each horse allegedly found in violation of the Act or its regulations or otherwise disqualified or excused for any reason, the following information:

(i) The name and date of the show, exhibition, sale, or auction.

(ii) The name of the horse and the reason why said horse was excused, disqualified, or alleged to be in violation of the Act or its regulations.

(5) Each horse industry organization or association having a Department certified DQP program shall provide each of its licensed DQPs with a current list of all persons that have been disqualified by order of the Secretary from showing or exhibiting any horse, or judging or managing any horse show, exhibition, sale, or auction. APHIS will make such list available, on a current basis, to organizations and associations maintaining a certified DQP program.

(6) Each horse industry organization or association having a Department certified DQP program shall develop and provide a continuing education program for licensed DQPs that includes 4 hours of instruction per year to each licensed DQP by experienced equine veterinarians furnished by APHIS.

(7) Each horse industry organization or association having a Department certified DQP program shall promulgate standards of conduct for its DQPs and shall provide administrative procedures within the organization or association for initiating, maintaining, and enforcing such standards. The procedures shall include the causes for and methods to be used for canceling the license of any DQP who fails to properly and adequately carry out his or her duties. Minimum standards of

conduct for DQPs shall include the following:

(i) A DQP shall not exhibit any horse at any horse show or horse exhibition, or sell, auction, or purchase any horse sold at a horse sale or horse auction that includes gaited horse breeds or at which he or she has been appointed to inspect horses;

(ii) A DQP shall not have or had within the immediately preceding 5 years any personal, professional, or financial interest in showing, exhibiting, selling, or auctioning Tennessee Walking Horses or racking horses, including but not limited to owning, training, riding, or caring for such horses that are shown or exhibited, either for him or herself or for those with whom he or she has immediate family or business ties;

(iii) A DQP shall not inspect horses at any horse show, exhibition, sale, or auction in which a horse owned, trained, or exhibited by a member of the DQP's immediate family, or the DQP's employer, or an officer or board member of the DQP's horse industry organization or association are competing or are being offered for sale;

(iv) A DQP shall not accept a gift, favor, or employment from anyone (including an owner, trainer, exhibitor, or other person having custody of or responsibility for a horse who has an interest in a horse that is presented for inspection at a horse show, exhibition, sale, or auction containing Tennessee Walking Horses or racking horses);

(v) A DQP shall not have an immediate family member, or business partner who works for or is an owner, trainer, exhibitor, or other person having custody of or responsibility for a horse who participates in horse shows, exhibitions, sales, or auctions containing Tennessee Walking Horses or racking horses;

(vi) A DQP shall not participate in the sale, purchase, or ownership of a Tennessee Walking Horse or racking horse, or supply or provide goods or services related to such horses;

(vii) A DQP shall not interact with owners, trainers, exhibitors, or other person having custody of or responsibility for a horse in a manner that creates a potential appearance of a conflict of interest, favoritism, or bias;

(viii) A DQP shall not consume or be under the influence of alcohol or illegal drugs while performing official duties;

(ix) A DQP shall follow the uniform inspection procedures of his or her certified organization or association when inspecting horses; and

(x) The DQP shall immediately inform management of each case regarding any horse which, in his or her opinion, is in violation of the Act or regulations.

(e) *Prohibition of appointment of certain persons to perform duties under the Act.* The management of any horse show, horse exhibition, horse sale, or horse auction shall not appoint any person to detect and diagnose horses which are sore or to otherwise inspect horses for the purpose of enforcing the Act, if that person:

(1) Does not hold a valid, current DQP license issued by a horse industry organization or association having a DQP program certified by the Department.

(2) Has had his or her DQP license canceled by the licensing organization or association.

(3) Is disqualified by the Secretary from performing diagnosis, detection, and inspection under the Act, after notice and opportunity for a hearing in accordance with the Uniform Rules of Practice for the Department of Agriculture in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations (7 CFR 1.130 *et seq.*), when the Secretary finds that such person is unfit to perform such diagnosis, detection, or inspection because he or she has failed to perform his or her duties in accordance with the Act or regulations, or because he or she has been convicted of a violation of any provision of the Act or regulations occurring after July 13, 1976, or has paid any fine or civil penalty in settlement of any proceeding regarding a violation of the Act or regulations occurring after July 13, 1976.

(f) *Cancellation of DQP license.*

(1) Except as provided in paragraph (f)(2), each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in § 11.21 of this part, or who otherwise carries out his or her duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

(2) Each horse industry organization or association having a Department certified DQP program shall cancel the license of any DQP licensed under its program who:

(i) Has been convicted of any violation of the Act or regulations or who has paid a fine or civil penalty in settlement of any alleged violation of the Act or regulations if such alleged violation occurred after July 13, 1976.

(ii) Has been disqualified by the Secretary from performing diagnosis, detection, and inspection under the Act.

(iii) Has not completed the continuing education requirements of paragraph (d)(6).

(iv) Has violated the minimum standards of conduct for DQPs listed in paragraph (d)(7).

(3) Upon cancellation of a DQP's license, the DQP may, within 30 days thereafter, request a hearing before a review committee of not less than three persons appointed by the licensing horse industry organization or association. If the review committee sustains the cancellation of the license, the DQP may appeal the decision of such committee to APHIS within 30 days from the date of such decision, and APHIS shall make a final determination in the matter. If APHIS finds, after providing the DQP whose license has been cancelled with a notice and an opportunity for a hearing in accordance with the Uniform Rules of Practice for the Department of Agriculture in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations (7 CFR 1.130 *et seq.*), that there is sufficient cause for the committee's determination regarding license cancellation, APHIS shall issue a decision sustaining such determination. If APHIS does not find that there was sufficient cause to cancel the license, the licensing organization or association shall reinstate the license.

(g) *Revocation of DQP program certification of horse industry organizations or associations.* Any horse industry organization or association having a Department-certified DQP program that has not received Department approval of the inspection procedures provided for in paragraph (b)(8) of this section, that fails to cancel the license of a DQP as required under paragraph (f) of this section, or that otherwise fails to comply with the requirements contained in this part, may have such certification of its DQP program revoked, unless, upon written notification from the Department of such failure to comply with the requirements in this section, such organization or association takes immediate action to rectify such failure and takes appropriate steps to prevent a recurrence of such noncompliance within the time period specified in the notification, or otherwise adequately explains such failure to comply to the satisfaction of the Department. Any horse industry organization or association whose DQP program certification has been revoked may appeal such revocation to the

Administrator in writing within 30 days after the date of such revocation and, if requested, shall be afforded an opportunity for a hearing in accordance with the Uniform Rules of Practice for the Department of Agriculture in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations (7 CFR 1.130 *et seq.*). All DQP licenses issued by a horse industry organization or association whose DQP program certification has been revoked shall expire 30 days after the date of such revocation, or 15 days after the date the revocation becomes final after appeal, unless they are transferred to a horse industry organization or association having a program currently certified by the Department.

(h) *Cancellation of DQP program certification of horse industry organizations or associations due to inactivity.* Any horse industry organization or association having a Department-certified DQP program that has not trained or licensed DQPs, had its licensed DQPs appointed by the management of any horse show, horse exhibition, horse sale or auction to inspect horses, or otherwise met the reporting or other requirements of this part for at least 5 consecutive years may have such certification canceled for inactivity, unless, upon written notification from the Department, such organization or association provides information within 30 days of the notification sufficient to demonstrate maintenance and compliance of its DQP program in accordance with this part.

■ 9. Add § 11.8 to read as follows:

§ 11.8 Qualifications of Appeals Officials.

(a) Individuals who may serve as Appeals Officials under § 11.4 must be:

(1) A special Government employee as defined in 18 U.S.C. 202; and

(2) A Doctor of Veterinary Medicine who has no fewer than 5 years of direct experience providing veterinary care to horses; and

(4) Free of the conflicts specific to horse protection activities covered under this part as specified in paragraph (c).

(b) Appeals Officials must comply with all rules and laws applicable to special Government employees.

(c) No person may serve as an Appeals Official that has or had within the previous 5 years:

(1) Exercised any functions or responsibilities for any horse show, exhibition, or sale, or auction containing Tennessee Walking Horses or racking horses within the previous 5 years, including but not limited to the management, show manager, DQP, judge, farrier, steward, or horse industry organization or association for such events.

(2) Any personal, professional, or financial interest in showing, exhibiting, selling, or auctioning Tennessee Walking Horses or racking horses, including but not limited to owning, training, riding, or caring for such horses that are shown or exhibited, either for himself or herself or for those with whom he or she has immediate family or business ties.

(d) Appeals Officials must complete annual training on the Horse Protection Act and regulations and related subjects administered by APHIS prior to serving as an Appeals Official at any horse show, exhibition, sale, or auction.

§ 11.19 [Removed and Reserved]

■ 10. Remove and reserve § 11.19.

■ 11. Revise and republish § 11.20 to read as set forth below:

§ 11.20 Responsibilities and liabilities of management.

(a)(1) The management of any horse show, horse exhibition, or horse sale, or horse auction which does not appoint and retain a DQP must:

(i) Identify all horses that are sore and disqualify any such horse from participating or competing in the class in which the horse is entered or shown or the sale or auction in which the horse is being offered for purchase; and

(ii) Identify all horses that are otherwise in violation of the Act or regulations and disallow any such horse from participating or competing in the class in which the horse is entered or shown or the sale or auction in which the horse is being offered for purchase. No person shall show or exhibit at a horse show or horse exhibition, sell or auction at a horse sale or auction, allow to be shown, exhibited, or sold at a horse show, exhibition, sale, or auction, enter for the purpose of showing or exhibiting in any horse show or horse exhibition, or offer for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance prohibited under this part.

(b)(1) The management of any horse show, exhibition, sale, or auction which designates and appoints a Designated Qualified Person (or persons) to inspect horses shall accord said DQP access to all records and areas of the grounds of such show, exhibition, sale, or auction and the same right to inspect horses and records as is accorded to any APHIS representative. Further, management shall not take any action which would interfere with or influence said DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations. In the event management is dissatisfied with the performance of a particular DQP, including disagreement with the DQP's inspection findings, management shall not contact the DQP regarding his or her inspections, dismiss the DQP, or otherwise interfere with the DQP during the DQP's appointed tour of duty (*i.e.,* the duration of the show, exhibition, sale, or auction). However, management should immediately notify, in writing, APHIS and the organization or association that licensed the DQP, as to why the performance of said DQP was inadequate or otherwise unsatisfactory.

(2) Management which designates and appoints a DQP shall immediately:

(i) Disqualify any horse identified by the DQP to be sore or any horse otherwise known by management to be sore from participating or competing in the class the horse is entered or shown or the sale or auction the horse is being offered for purchase;

(ii) Disallow any horse identified by the DQP to be otherwise in violation of the Act or regulations from participating or competing in the class in which the horse is entered or shown or the sale or auction in which the horse is being offered for purchase. No person shall show or exhibit at a horse show or horse exhibition, sell or auction at a horse sale or auction, allow to be shown, exhibited, or sold at a horse show, exhibition, sale, or auction, enter for the purpose of showing or exhibiting in any horse show or horse exhibition, or offer for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance prohibited under this part.

(3) The management of any horse show, exhibition, sale, or auction that designates and appoints a DQP to inspect horses shall appoint and designate at least two DQPs to conduct inspections when more than 100 horses are entered to be shown, exhibited, sold, or auctioned.

(c) The management of any horse show, exhibition, sale, or auction shall ensure that any horses found to be sore or otherwise in violation of the Act or regulations during actual participation in the show or exhibition be removed from further participation prior to the tyeing of the class or the completion of the exhibition.

■ 11. Revise and republish § 11.21 to read as set forth below.

§ 11.21 Inspection procedures for designated qualified persons (DQPs).

(a)(1) DQPs shall physically inspect the following horses for the purpose of determining whether any such horses

are in violation of the Act or regulations and conducted in accordance with the inspection procedures provided for in this part:

(i) All Tennessee Walking Horses and racking horses entered for sale or auction,

(ii) All Tennessee Walking Horses and racking horses entered in any animated gait class (whether under saddle, horse to cart, or otherwise),

(iii) All Tennessee Walking Horses and racking horses entered for exhibition before they are admitted to be shown, exhibited, sold, or auctioned, and

(iv) All Tennessee Walking Horses and racking horses tyed first in their class or event at any horse show, horse exhibition, horse sale, or horse auction.

(2) The DQP shall inspect chain carts before allowing them into the warmup area and ensure the warmup area and horses in the warmup area are free of unlawful devices, equipment, substances, or paraphernalia after inspection, including, for example, overweight or irregular shaped action devices, syringes, medications, or ointments. The DQP shall require the removal of any such devices from the warmup area.

(3) The DQP shall observe horses during actual performances whenever possible.

(4) The DQP shall inspect any Tennessee Walking Horse or racking horse at any time he or she deems necessary to determine whether any such horse shown, exhibited, sold, or auctioned is in violation of the Act or regulations.

(5) If present at shows, exhibitions, sales, or auctions other than those listed in paragraph (a)(1) of this section, the DQP shall examine any horse which he or she determines should be examined for compliance with the Act and regulations.

(6) The DQP shall immediately report to the management of any horse show, exhibition, sale, or auction, any horse which, in his or her opinion, is sore or otherwise in violation of the Act or regulations. Such report shall be made, whenever possible, before the show class or exhibition involving said horse has begun or before said horse is offered for sale or auction.

(b)(1) During the preshow inspection, and before beginning a physical examination of a horse's limbs, the DQP shall:

(i) Direct the person having custody of the horse to walk and turn the horse in a manner that allows the DQP to determine whether the horse exhibits signs of soreness, including directing the person to walk the horse in a straight line and a figure-8 pattern that consists of two adjoining circles, each with at least a 10-foot radius. The DQP shall determine whether the horse moves in a free and easy manner and is free of any signs of soreness.

(ii) Inspect under the horse's mane and around and under any tack, including the bit and saddle, for devices that may distract the horse during examination.

(iii) Ensure the swabbing of the front pasterns of a percentage of other horses in accordance with the uniform inspection procedures of the DQP's certified organization or association.

(iv) Wipe all aspects of the front pasterns using a clean cotton pad or cloth and inspect the pad for signs of substances prohibited in § 11.2(c) of this part, including dyes, ointments, hair filler, and chemical smells, in accordance with the uniform inspection procedures of the DQP's certified organization or association.

(v) Ensure the collection of blood samples of any horse that is sore or otherwise not in compliance with the Act or regulations and a percentage of other horses in accordance with the uniform inspection procedures of the DQP's certified organization or association.

(2) The DQP shall digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. The DQP shall examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The DQP shall apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. While continuing to hold onto the pastern, the DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band. The DQP may examine the rear limbs of all horses inspected after showing, and may examine the rear limbs of any horse examined preshow or on the showgrounds when he or she deems it necessary, except that the DQP shall examine the rear limbs of all horses exhibiting abnormal inflammation on, or unusual movement of, the rear legs.

(3) The DQP shall observe and inspect all horses for compliance with the provisions set forth in § 11.2(a) through § 11.2(c) of this part.

(i) The DQP shall observe and/or examine all action devices, pads, and other equipment to ensure that they are in compliance with the Act and regulations. All such equipment on horses examined postshow, and on horses examined preshow that are not clearly in compliance, shall be weighed and/or measured.

(A) The DQP shall verify that any action device or any other device will not strike any portion of the coronet band when moving.

(B) The DQP shall ensure the collection of blood samples on Tennessee Walking Horses and racking horses tyed first in their class or event.

(C) The DQP shall require, at minimum, the removal of any pads on Tennessee Walking Horses and racking horses tyed first in their class or event and any time he or she deems necessary to assure such horses are in compliance with § 11.2(b)(13), (b)(18), and (b)(19), except that the DQP may require the removal of any pads on Tennessee Walking and racking horses tyed first in their class or event once per day if such horse tyed first in more than one class or event on a single day. If the horse tyed first is disqualified following inspection and the class is re-tyed, the DQP shall inspect the horse that is subsequently tyed first and require the removal of any pads to assure the horse is in compliance with § 11.2(b)(13), (b)(18), and (b)(19).

(4) The DQP shall instruct the person having custody of the horse to control it by holding the reins approximately 18 inches from the bit shank. The DQP shall not examine a horse if it is presented in a manner that might cause the horse not to respond to a DQP's examination, including use of masking agents (such as, but not limited to, sedatives or topical numbing agents), whips, cigarette smoke, or other actions or paraphernalia used to distract a horse during examination, or if the owner, trainer, exhibitor or other person having custody of or responsibility for the horse takes any action which would interfere with or influence said DQP in carrying out his or her duties or making decisions concerning whether or not any horse is sore or otherwise in violation of the Act or regulations. If the DQP inspects a horse preshow that appears to be or could be sedated, the DQP shall inspect the horse after it is shown or exhibited for compliance with the Act and regulations. All such incidents shall be reported to the show management and the DQP licensing organization.

(c) The DQP shall inspect horses no more than three classes ahead of the time the inspected horses are to be shown except that, in shows with fewer than 100 horses, the DQP shall inspect horses no more than two classes ahead of the time the inspected horses are to be shown. Inspected horses shall be held in a designated area that is under

observation by the DQP or APHIS representative if present. Horses shall not be permitted to leave the designated area before showing. Only the horse, the rider, the groom, the trainer, the DQP(s) and APHIS representatives shall be allowed in the designated area.

(d) The DQP may carry out additional inspection procedures as he or she deems necessary to determine whether the horse is sore.

§ 11.22 [Amended]

■ 13. Amend § 11.22 by:

■ a. In paragraph (a)(6), removing the words ''each class or sale'' and adding, in their place, the words ''each entry, class, or sale''.

■ b. In paragraph (d), removing the words ''The Administrator,'' and adding the word ''APHIS'' in their place.

§ 11.23 [Amended]

■ 14. Amend paragraph (b) of § 11.23 by removing the word ''DQP's'' and adding, in its place, the word ''DQPs''.

■ 15. Amend § 11.24 by:

■ a. In paragraph (a), removing the number ''5'' and adding, in its place, the number ''30'', and removing the words ''the Regional Director[1] for the State in which the show, exhibition, sale or auction was held,'' and adding, in their place, the word ''APHIS'';

■ b. Removing footnote 1; and

■ c. In paragraph (b), removing the number ''5'' and adding, in its place, the number ''30'', and removing the words ''the Regional Director for the State in which the show, exhibition, sale or auction was held,'' and adding, in their place, the word ''APHIS''.

§ 11.25 [Removed and Reserved]

■ 16. Remove and reserve § 11.25.

§ 11.40 [Amended]

■ 17. Amend paragraph (a) of § 11.40 by removing the word ''his''.

§ 11.41 [Amended]

■ 18. Amend § 11.41 by:

■ a. Removing the words ''the Department'' each time they occur and adding the word ''APHIS'' in their place.

■ b. Removing footnote 6.

■ 19. Add § 11.42 to read as follows:

§ 11.42 Reporting required of Appeals Officials and access to Appeals Officials' decisions.

(a) Each Appeals Official appointed by APHIS to provide decisions on appeals of APHIS findings shall submit information concerning any decisions on appeals to APHIS within 5 days after the horse show, exhibition, sale or auction, including:

(i) The name and address of the show and the show manager;

(ii) The exhibitor's number and class number, or the sale or auction tag number of said horse;

(iii) The name, age, sex, color, and markings of the horse;

(iv) The date and time of the appeal review;

(v) A written response to the appeal and reasons for the decision; and

(vi) Copies of any evidence considered in providing a decision on each appeal.

(b) APHIS will provide to the trainer and owner of each horse allegedly found in violation of the Act or its regulations after appeal, the following information:

(1) The name and date of the show, exhibition, sale, or auction; and

(2) The name of the horse and the reason why said horse was alleged to be in violation of the Act or its regulations.

(c) Upon request, APHIS will provide a copy of the Appeals Official's written response to the appeal to any person who had responsibility for the horse at the time of the appeal, including the exhibitor, other person having custody of or responsibility for the horse.

Done in Washington, DC, this 9th day of November 2026.

Dudley Hoskins,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2026–23086 Filed 11–12–26; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Presidential Determination No. 2027–02 of October 28, 2026—Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

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Presidential Documents

Title 3—

The President

Presidential Determination No. 2027–02 of October 28, 2026

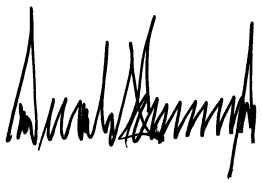
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration, including the report submitted in October 2026, and other relevant factors, including global economic conditions and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, October 28, 2026

[FR Doc. 2026–23233
Filed 11–12–26; 11:15 am]
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