

with respect to prediction markets; in that case, what factors should the Commission take into account?

40. As noted above, the Commission has received recent applications for DCM registration from entities that have indicated that they are interested primarily, or exclusively, in operating prediction markets. While registered entities are not considered small entities by the Commission for Regulatory Flexibility Act (RFA) purposes,⁷⁴ the Commission is nevertheless seeking information on how any potential rule changes for prediction markets would impact “small entities” as defined by the RFA.⁷⁵ What projected cost increases would there be for any small entities impacted by a potential rule change? What less costly alternatives or flexibilities should the Commission consider? In general, how do small entities use prediction markets?

The Office of Management and Budget has determined that this action is a significant regulatory action as defined in Executive Order 12866, as amended, and this action has been reviewed by the Office of Management and Budget.

Issued in Washington, DC, on March 12, 2026, by the Commission.

Christopher Kirkpatrick,
Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

⁷⁴ The Commission previously determined that DCMs are not small entities in accordance with the RFA. See Policy Statement and Establishment of Definitions of “Small Entities” for Purposes of the Regulatory Flexibility Act, 47 FR 18618 (Apr. 30, 1982). Similarly, the Commission previously determined that SEFs are not small entities for purposes of the RFA. See Core Principles and Other Requirements for SEFs, 78 FR 33476, 33548 (June 4, 2013).

⁷⁵ 5 U.S.C. 601 *et seq.* The RFA provides that the term “small entity” has the same meaning as “small business”, “small organization” and “small governmental jurisdiction” defined in paragraphs (3), (4) and (5) of section 601. “Small business,” in turn, is defined as having the same meaning of “small business concern” set forth in section 3 of the Small Business Act (SBA). 5 U.S.C. 601(6). The RFA permits an agency to establish its own definition of small entity; otherwise, size standards set forth by the SBA apply. A size standard, which is usually stated in number of employees or average annual receipts, represents the largest size that a business (including its subsidiaries and affiliates) may be to remain classified as a small business for SBA and federal contracting programs. The definition of “small” varies by industry. The SBA provides that the small business size threshold for securities and commodity exchanges is \$47 million in average annual receipts. See SBA’s 2022 Table of Size Standards, classifying securities and commodity exchanges under the North American Industry Classification System (NAICS), code 523210, Sector 52-Finance and Insurance, Subsector 523-Securities, Commodity Contracts, and Other Financial Investments and Related Activities, available at <https://www.sba.gov/document/support-table-size-standards>.

Appendix to Prediction Markets— Commission Voting Summary

On this matter, Chairman Selig voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2026–05105 Filed 3–13–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2015–N–1765]

RIN 0910–AH14

General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal of the proposed rule titled “General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products,” which published in the *Federal Register* of December 22, 2015. FDA is taking this action because it no longer intends to finalize the proposed rule.

DATES: The proposed rule published on December 22, 2015 (80 FR 79493) is withdrawn as of March 16, 2026.

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 document into the “Search” box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Daniel Schieffer, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5562, Silver Spring, MD 20993–0002, 301–796–3350, daniel.schieffer@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of December 22, 2015 (80 FR 79493), FDA (the Agency or we) issued a proposed rule titled “General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products” (the Proposed Rule). Sunlamp products are both “devices” under section 201(h)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act)

(21 U.S.C. 321(h)(1)) and “electronic products” under section 531(2) of the FD&C Act (21 U.S.C. 360hh(2)). They are designed to incorporate one or more ultraviolet (UV) lamps intended for irradiation of any part of the living human body, by UV radiation with wavelengths in air between 200 and 400 nanometers, to induce skin tanning (see §§ 878.4635(a) and 1040.20(b)(9) (21 CFR 878.4635(a) and 1040.20(b)(9))). Sunlamp products include tanning beds and tanning booths. Sunlamp products as defined in the Proposed Rule did not include ultraviolet lamps for dermatological disorders regulated under 21 CFR 878.4630.

FDA has undertaken several regulatory initiatives related to sunlamp products. Previously, in a final reclassification order that we issued on June 2, 2014 (79 FR 31205), FDA reclassified sunlamp products and UV lamps intended for use in sunlamp products from class I to class II, making them subject to premarket notification (510(k)) requirements, and established special controls under the device authorities of the FD&C Act. The special controls consist of, among other requirements, performance testing and labeling requirements, including a warning that sunlamp products should not be used on persons under the age of 18 years. That order was effective on September 2, 2014.

Second, in a proposed rule issued simultaneously with the Proposed Rule, FDA proposed amendments to the sunlamp products and UV lamps performance standard at 21 CFR 1040.20, which includes technical and labeling requirements issued in large part under the electronic product radiation control provisions of the FD&C Act (80 FR 79505). Those proposed amendments, if finalized, would update the electronic product performance standard to reflect current science and harmonize with certain consensus standards. FDA’s proposed amendments to the sunlamp products and UV lamps performance standard at 21 CFR 1040.20 are not affected by this withdrawal.

Finally, in the Proposed Rule, FDA proposed to establish device restrictions under section 520(e) of the FD&C Act (21 U.S.C. 360j(e)), which authorizes FDA to issue regulations imposing restrictions on the sale, distribution, or use of a device. The Proposed Rule contained three types of proposed restrictions on the use of sunlamp products. First, the Proposed Rule proposed restricting the use of sunlamp products to individuals age 18 and older under proposed § 878.4635(c)(1). Second, in proposed § 878.4635(c)(4), the Proposed Rule proposed requiring

tanning facilities to only allow adults to use a sunlamp product if the prospective user had signed a risk acknowledgement certification in the past six months, and proposed the form of this certification. Third, the Proposed Rule contained two proposed user-manual related provisions. In proposed § 878.4635(c)(2), the Proposed Rule proposed requiring tanning facility operators to provide a sunlamp product's user manual to users or prospective users of sunlamp products upon request, and in proposed § 878.4635(c)(3), the Proposed Rule proposed requiring 510(k) holders to provide a sunlamp product's user manual to tanning facility operators and sunlamp product users or prospective users upon request.

FDA received more than 8,100 comments on the Proposed Rule from entities including industry associations, medical and healthcare professional associations, law firms, cancer advocacy groups, and other interested parties, including individuals. In general, the comments discussed the dangers of UV radiation from sunlamp products; scientific aspects of the Proposed Rule; vulnerability of young people to the risks of sunlamp products; support for personal choice and parental decision-making; availability and relative safety of sunlamp product alternatives; and compliance burdens on small businesses.

In light of the scientific and technical concerns raised in the comments on the Proposed Rule, concerns regarding possible unintended consequences of certain proposals in the Proposed Rule, and potential alternatives proposed in comments received on the Proposed Rule, FDA is withdrawing the Proposed Rule in order to reconsider the best means for addressing the issues covered by the Proposed Rule and related issues regarding access to sunlamp products. Therefore, effective on the date of publication of this document, the Proposed Rule is withdrawn.

FDA continues to consider regulatory initiatives related to sunlamp products. The withdrawal of the Proposed Rule does not preclude the Agency from reinstating rulemaking concerning the issues addressed in the proposal. Should we decide to undertake such rulemaking in the future, we will issue a proposed rule and provide a new opportunity for comment. Furthermore, this withdrawal is only intended to address the Proposed Rule "General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products" published in the **Federal Register** of December 22, 2015, and not any other pending proposals that the

Agency has issued or is considering. If you need additional information about the subject matter of the withdrawn Proposed Rule, you may review the Agency's website (www.fda.gov) for any current information on the matter.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026-05103 Filed 3-13-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 26

[Docket No. OAG198; AG Order No. 6678-2026]

RIN 1105-AB80

Certification Process for State Capital Counsel Systems

AGENCY: Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: Chapter 154 of title 28, United States Code, provides special procedures for federal habeas corpus review of cases brought by prisoners in state custody who are under a sentence of death. The special procedures are available to States that the Attorney General has certified as having established mechanisms for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in state postconviction proceedings brought by indigent prisoners, and as providing standards of competency for the appointment of counsel in these proceedings. This rule would remove impediments to certification that chapter 154 does not authorize and would enable more prompt decisions on States' requests for certification.

DATES: Written and electronic comments must be sent or submitted on or before May 15, 2026. Comments received by mail will be considered timely if they are postmarked on or before the last day of the comment period. The electronic Federal Docket Management System will accept electronic comments until midnight Eastern Time at the end of that day.

ADDRESSES: Comments may be mailed to Regulations Docket Clerk, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Room 4234, Washington, DC 20530. To ensure proper handling, please reference RIN 1105-AB80 on your correspondence. You may submit comments

electronically or view an electronic version of this proposed rule at <http://www.regulations.gov>. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at <https://www.regulations.gov>. Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Levi Lall, Counsel, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530; telephone 202-598-0771.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Posting of Public Comments. Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this rule via one of the methods and by the deadline stated above. The Department of Justice ("the Department") also invites comments that relate to the economic, environmental, or federalism effects that might result from this rule. Comments that will provide the most assistance to the Department in developing these procedures will reference a specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Please note that all comments received are considered part of the public record and made available for public inspection at <http://www.regulations.gov>. Such information includes personally identifying information ("PII") (such as your name, address, etc.).

Interested persons are not required to submit their PII in order to comment on this rule. However, any PII that is submitted is subject to being posted to the publicly accessible website at <http://www.regulations.gov> without redaction.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on <http://www.regulations.gov>.

Confidential business information identified and located as set forth above will not be placed in the public docket