

qualified contractor that meets the requirements in paragraph (c) of this section. When choosing a contractor that is not on a utility-provided list, the new attachers must certify to the utility that its contractor meets the minimum qualifications described in paragraph (c) of this section when providing notices required by § 1.1411(j)(1)(ii), (j)(2)(i), (k)(3)(i), and (k)(4).

(2) The utility may disqualify any contractor chosen by the new attachers that is not on a utility-provided list, but such disqualification must be based on reasonable safety or reliability concerns related to the contractor's failure to meet any of the minimum qualifications described in paragraph (c) of this section or to meet the utility's publicly available and commercially reasonable safety or reliability standards. The utility must provide notice of its contractor objection within the notice periods provided by the new attachers in § 1.1411(j)(1)(ii), (j)(2)(i), (k)(3)(i), and (k)(4) and in its objection must identify at least one available qualified contractor.

* * * * *

(e) Utilities must respond to an attachers' request to add contractors to their lists of contractors authorized to perform self-help surveys, estimates, and make-ready, as provided by paragraphs (a) and (b) of this section, within 30 days of receipt.

(1) The response must state whether the contractor meets the requirements of paragraph (c) of this section and will be added to the utility's list of approved contractors for survey, estimate, and make-ready work pursuant to paragraph (a) or (b) of this section following the successful completion of any reasonable steps to begin work established by the utility. For contractors proposed to perform work above the communications space, such reasonable steps may include any evaluation, approval, orientation, or other requirements that the utility would ordinarily apply to contractors that perform work on its electric power system. If the contractor has been denied, the response must describe the bases for rejection, be nondiscriminatory, and based on a fair application of commercially reasonable requirements for contractors related to issues of safety or reliability.

(2) If a utility fails to provide the response required by paragraph (e)(1) of this section within 30 days of receipt of an attachers' request, the contractor proposed by the attachers will be deemed approved to perform self-help surveys, estimates, and make-ready work on the utility's poles consistent with

paragraphs (a) or (b) of this section, and must be added to the utility's approved list of contractors following the successful completion of any reasonable steps to begin work established by the utility.

(3) A utility may disqualify a contractor that has been approved pursuant to paragraph (e)(1) or deemed approved pursuant to paragraph (e)(2) based on reasonable safety or reliability concerns related to the contractor's failure to meet any of the minimum qualifications described in paragraph (c) of this section or to meet the utility's uniformly applied and reasonable safety or reliability standards. Written notice must be provided to the attachers stating the specific safety and reliability bases for the disqualification.

[FR Doc. 2026-09083 Filed 5-6-26; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 223

[Docket DARS-2026-0067]

RIN 0750-AM18

Defense Federal Acquisition Regulation Supplement: Disclosure of Greenhouse Gas Emissions (DFARS Case 2024-D021)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2024.

DATES: Effective May 7, 2026.

FOR FURTHER INFORMATION CONTACT: David Johnson, telephone 202-913-5764.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule revises the DFARS to implement section 318 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118-31). Section 318 prohibits DoD contracting officers from requiring, as a condition of contract award, nontraditional defense contractors to disclose a greenhouse gas inventory or any other report on

greenhouse gas emissions, unless DoD determines that requiring such disclosure is necessary to verify a voluntary disclosure relating to greenhouse gas emissions. A waiver is permitted on a contract-by-contract basis, provided that the information relating to greenhouse gas emissions is directly related to the performance of the contract. Section 318 defines the terms "greenhouse gas" and "greenhouse gas inventory."

To implement section 318, this rule adds subpart 223.5, Greenhouse Gas Emissions, to DFARS part 223. In addition to prohibiting required disclosure of greenhouse gas emissions from nontraditional defense contractors as a condition of contract award, this rule also prohibits DoD contracting officers' consideration, as a condition of contract award, of greenhouse gas emission information that offerors might otherwise provide in annual representations and certifications in response to certain Federal Acquisition Regulation (FAR) solicitation provisions. Additionally, in accordance with section 318, this rule allows a waiver from the disclosure prohibition where the disclosure directly relates to contract performance.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is 41 U.S.C. 1707, Publication of Proposed Regulations. Subsection (a)(1) of the statute requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the rule merely limits the ability of DoD contracting officers to require and to consider greenhouse gas disclosures for certain offerors or contractors as a condition of contract award. The rule does not contain any requirements for offerors or contractors. Therefore, this limitation affects only the internal operating procedures of DoD.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT), for Commercial Products (Including Commercially Available Off-the-Shelf (COTS) Items), and for Commercial Services

This final rule does not create any new solicitation provisions or contract clauses. It does not impact any existing solicitation provisions or contract clauses or their applicability to contracts valued at or below the simplified acquisition threshold, for commercial products including COTS items, or for commercial services.

IV. Expected Impact of the Rule

This rule is not expected to have an impact on offerors or contractors, because the rule merely prohibits DoD contracting officers from requiring, as a condition of contract award, nontraditional defense contractors to disclose a greenhouse gas inventory or any other report on greenhouse gas emissions. The statute allows for an exception and the possibility of a waiver. In other words, this rule places a particular limit on the source selection scheme contracting officers might select for a given procurement. This limitation affects only the internal operating procedures of the Government.

In addition, this rule also prohibits DoD contracting officers' consideration, as a condition of contract award, of greenhouse gas emission information that offerors might otherwise provide in annual representations and certifications in response to the solicitation provision at FAR 52.223–22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation. The representations under this provision allow the Government greater insight into the greenhouse gas management practices of the Federal supplier base. However, the representations under the FAR provision require only that offerors indicate whether and where, *i.e.*, a publicly accessible website, they publicly disclose greenhouse gas emissions and greenhouse gas reduction goals. The provision neither requests nor requires specific greenhouse gas emission information.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and

equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, as amended.

VI. Executive Order 14192

This rule is not subject to E.O. 14192, because this rule has a de minimis impact on the public. See discussion in section IV, Expected Impact of the Rule, of this preamble.

VII. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules Under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

IX. Paperwork Reduction Act

This final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 223

Government procurement.

Kimberly R. Ziegler,
Editor/Publisher, Defense Acquisition Regulations System.

Therefore, the Defense Acquisition Regulations System amends 48 CFR part 223 as follows:

PART 223—ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY

■ 1. The authority citation for 48 CFR part 223 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Add subpart 223.5 to read as follows:

Subpart 223.5—Greenhouse Gas Emissions

Sec.

223.501 Policy.

223.501–70 Disclosure of greenhouse gas emissions.

Subpart 223.5—Greenhouse Gas Emissions

223.501 Policy.

223.501–70 Disclosure of greenhouse gas emissions.

(a) *Scope.* This section implements section 318 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118–31).

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

Greenhouse gas means carbon dioxide, methane, nitrous oxide, nitrogen trifluoride, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

Greenhouse gas inventory means, with respect to an entity or individual, a quantified list of the annual greenhouse gas emissions of the entity or individual.

(c) *Prohibition.* (1) Contracting officers must not require, as a condition of contract award, nontraditional defense contractors to disclose a greenhouse gas inventory or any other report on greenhouse gas emissions, unless an exception is made or a waiver is granted in accordance with paragraph (d) or (e) of this section, respectively.

(2) Contracting officers must not consider, as a condition of contract award to nontraditional defense contractors, greenhouse gas emission information that may otherwise be provided in annual representations and certifications in response to the following provisions:

(i) FAR 52.204–7, System for Award Management.

(ii) FAR 52.204–8, Annual Representations and Certifications, paragraph (c)(1)(xix), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

(iii) FAR 52.212–3, Offeror Representations and Certifications—Commercial Products and Commercial Services, paragraph (t), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals.

(iv) FAR 52.223–22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

(d) *Exception.* The prohibition at paragraph (c) of this section will not apply if a contracting official at least one level above the contracting officer determines that such disclosure is

necessary to verify a voluntary disclosure of a greenhouse gas inventory or other report.

(e) *Waiver*. The head of the contracting activity may issue, on a contract-by-contract basis, a waiver to the prohibition at paragraph (c) of this section, provided that the information relating to greenhouse gas emissions is directly related to the performance of the contract. In issuing such a waiver, the head of the contracting activity must ensure that any such required information is clearly delineated in the contract.

[FR Doc. 2026-09038 Filed 5-6-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260304-0064; RTID 0648-XF634]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Common Pool, Accountability Measures, and Regular B Days at Sea Measures Under Regional Administrator Authority for Fishing Year 2026

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule.

SUMMARY: This action implements measures for the Northeast multispecies fishery under Regional Administrator authority for the 2026 fishing year. This action is necessary to ensure that the Northeast multispecies fishery may achieve the optimum yield for the relevant stocks, while controlling catch to help prevent in-season closures or quota overages. These measures are the allocation of zero trips into the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) for common pool vessels to target yellowtail flounder and the closure of the Regular B Days-at-Sea (DAS) Program.

DATES: Effective May 5, 2026, through April 30, 2027.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, 978-281-9232.

SUPPLEMENTARY INFORMATION: Section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act authorizes the Regional Administrator to implement measures that are necessary to carry out a fishery management plan (FMP). Consistent with this authority, Northeast multispecies regulations provide the means by which the Regional Administrator may implement the measures included in this action for the 2026 fishing year that began on May 1, 2026, consistent with the Northeast Multispecies FMP's goals and objectives. These measures are the allocation of trips for common pool vessels into the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) and the closure of the Regular B DAS Program.

Closed Area II Yellowtail Flounder/Haddock Special Access Program

The regulations at § 648.85(b)(3)(vii) allow common pool trips that may be declared into the Closed Area II Yellowtail Flounder/Haddock SAP to target yellowtail flounder only if the Regional Administrator authorizes such trips for the fishing year, after consultation with the New England Fishery Management Council. This action allocates zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2026. As a result, this SAP is only open to target haddock, from August 1, 2026, through January 31, 2027. Northeast multispecies vessels fishing in the SAP must fish with a haddock separator trawl, a Ruhle trawl, or hook gear.

The Regional Administrator determines the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on: the available yellowtail flounder total allowable catch (TAC) under the U.S./Canada Resource Sharing Understanding; the potential catch of Georges Bank (GB) yellowtail flounder by all vessels fishing outside of the SAP; recent discard estimates in all

fisheries that catch yellowtail flounder; the expected number of SAP participants; and any other available information. Allocating trips to target yellowtail flounder in the Closed Area II Yellowtail Flounder/Haddock SAP is discretionary if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit, for a total catch of 2,250,000 lb (1,020,600 kg). The commercial groundfish sub-ACL for yellowtail flounder for the 2026 fishing year is 167,551 lb (76,000 kg), which equals 11 trips landing a 15,000-lb (6,804-kg) limit. Given the low GB yellowtail flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2026 GB yellowtail flounder allocation. Because the available GB yellowtail flounder catch cannot support at least 150 trips into the SAP with a 15,000-lb trip limit and catch rates outside the SAP are adequate to harvest available GB yellowtail flounder, there is insufficient GB yellowtail flounder to allocate any trips to the SAP.

If approved, Framework Adjustment 72 would reduce the 2026 GB yellowtail flounder sub-ACL. As a result, NMFS does not expect the final rule implementing Framework 72, if approved, would change the determination to allocate no trips to the SAP to target yellowtail flounder.

Regular B DAS Program

The regulations at § 648.85(b)(6)(vi) authorize the Regional Administrator to close the Regular B DAS program by prohibiting the use of Regular B DAS when the Regional Administrator determines that the continuation of the program would undermine the achievement of the objectives of the FMP or the Regular B DAS Program. One reason for terminating the program is an inability to constrain common pool catches to the Incidental Catch TACs.

On March 9, 2026, Framework Adjustment 69 (91 FR 11141) implemented Common Pool Incidental Catch TACs for the Regular B DAS Program for the 2026 fishing year (table 1). These TACs are further divided into Quarterly Incidental Catch TACs to be monitored and managed during each quarter of the fishing year.