

department be published in the **Federal Register** and take effect as promptly as possible.

Regulatory Flexibility Act

As Acting Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal departments and agencies and current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this rule because it does not contain information collection requirements that require the approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The rule is not a major rule as defined in 5 U.S.C. chapter 8, Congressional Review of Agency Rulemaking.

Executive Orders 12866 and 13563

In promulgating this rule, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Order 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993) and Executive Order 13563, Improving Regulation and Regulatory Review (76 FR 3821, Jan. 21, 2011). Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule has not been reviewed by the Office of Management and Budget under Executive Order 12866 because it is not a “significant” regulatory action for the purposes of that order.

Executive Order 12988

As Acting Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

Executive Order 13175

The Office of Government Ethics has evaluated this rule under the criteria set forth in Executive Order 13175 and determined that tribal consultation is not required as this rule has no 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.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: October 10, 2026.

Keith Sonderling,

Acting Director, U.S. Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the U.S. Office of Government Ethics amends 5 CFR part 2641 as set forth below:

PART 2641—POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

- 1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. ch. 131; 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

- 2. Appendix B to part 2641 is amended by revising the listing for the Department of Transportation to read as follows:

Appendix B to Part 2641

Agency Components for Purposes of 18 U.S.C. 207(c)

* * * * *

Parent: Department of Transportation

Components

Federal Aviation Administration.
 Federal Highway Administration.
 Federal Motor Carrier Safety Administration (effective January 30, 2003).
 Federal Railroad Administration.
 Federal Transit Administration.
 Maritime Administration.
 National Highway Traffic Safety Administration.
 Pipeline and Hazardous Materials Safety Administration (effective December 29, 2016).

Great Lakes St. Lawrence Seaway Development Corporation (formerly Saint Lawrence Seaway Development Corporation).

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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Chapter XIV

Amendment to Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: The Federal Labor Relations Authority (FLRA) publishes this document to implement the vacatur of Section I.C. of the amendment to Appendix B—titled “Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority”—published March 24, 2026 (Memo Amendment). The Memo Amendment also changed Section III of Appendix B, but that change was not vacated and is not affected by this final rule. This document reinstates the wording of Section I.C. of Appendix B as it appeared before the Memo Amendment took effect.

DATES: This final rule is effective on October 15, 2026.

FOR FURTHER INFORMATION CONTACT: Thomas Tso, Solicitor, at solmail@flra.gov or at (771) 444–5778.

SUPPLEMENTARY INFORMATION:

I. Background

On March 24, 2026, the FLRA published the Memo Amendment. Amendment to Memo. Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority, 91 FR 13949 (Mar. 24, 2026) (Member Anne Wagner dissenting). The Memo Amendment was effective April 23, 2026. *Id.* at 13949. In a memorandum and order on June 29, 2026, the United States District Court for the District of Massachusetts held that the Memo Amendment and its April 23, 2026, effective date were arbitrary and capricious. *See AFGE, AFL–CIO v. FLRA*, 838 F.Supp.3d 90 (D. Mass. June 29, 2026). In a final judgment on July 8, 2026, the District Court vacated the Memo Amendment’s changes to Section I.C., but not changes to Section III, of Appendix B. *See id.*,

Final J., Dkt. No. 45 (D. Mass. July 8, 2026). In order to implement the District Court's vacatur, this document reinstates the wording of Section I.C. of Appendix B as it appeared before the Memo Amendment took effect. This reinstated Section I.C. was already in effect as a matter of law due to the District Court's decision, but this publication restores its appearance in the *Code of Federal Regulations*. The FLRA has sought reconsideration of the District Court's decision. The FLRA will issue a superseding notice in the **Federal Register** if the District Court's decision is vacated.

II. Procedural and Other Matters

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), provides that when an agency for good cause finds that notice-and-comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for comment. The FLRA has determined that there is good cause for dispensing with an opportunity for comment, inasmuch as this rule merely conforms the text in the *Code of Federal Regulations* to the requirements of the District Court's decision.

Additionally, the FLRA finds that providing notice and an opportunity to comment is unnecessary because the FLRA is simply conducting the ministerial task of implementing the final judgment of the District Court.

Further, the FLRA finds good cause to make the revisions immediately effective under § 553(d)(3) of the Administrative Procedure Act. *See id.* 553(d)(3). Section 553(d)(3) provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, "except . . . as otherwise provided by the agency for good cause," among other exceptions. *Id.* The purpose of this provision is to "give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. FCC*, 78 F.3d 620, 630 (D.C. Cir. 1996). The FLRA has determined that there is good cause for making this final rule effective immediately because it merely implements the District Court's decision that already vacated the Memo Amendment's changes to Section I.C. of Appendix B. Accordingly, this final rule is effective immediately upon publication.

E.O. 12866

Pursuant to E.O. 12866 ("Regulatory Planning and Review"), as amended by E.O. 14215, a determination must be made whether a regulatory action is

significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the E.O.

E.O. 13563 ("Improving Regulation and Regulatory Review") supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866.

This final rule was drafted and reviewed in accordance with E.O. 12866 and E.O. 13563. OMB has determined that this final rule is not a "significant regulatory action" as defined in section 3(f)(1) of E.O. 12866.

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This FLRA must adopt this final rule to comply with a court decision and does not anticipate any new incremental costs associated with the rule.

Regulatory Flexibility Act Certification

Pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the FLRA has determined that this final rule will not have a significant impact on a substantial number of small entities, because this final rule applies only to federal agencies, federal employees, and labor organizations representing those employees.

E.O. 13132, Federalism

The FLRA is an independent regulatory agency, and as such, is not subject to the requirements of E.O. 13132.

This final rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, this final rule does not have sufficient federalism implications to warrant preparation of a federalism assessment.

E.O. 12988, Civil Justice Reform

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

E.O. 13175, Consultation and Coordination With Indian Tribal Governments

This final rule does not have tribal implications under E.O. 13175, because it would 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.O. 14294, Overcriminalization of Federal Regulations

E.O. 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to each element of those offenses. This final rule does not impose a criminal regulatory penalty and is thus exempt from E.O. 14924's requirements.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This action is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act of 1995

The amended regulations contain no additional information collection or record-keeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in Appendix B to 5 CFR Chapter XIV

Federal employees, Labor management relations, Administrative practice and procedure, Federal Labor Relations Authority.

For the reasons stated in the preamble, the Federal Labor Relations Authority amends appendix B to 5 CFR chapter XIV as follows:

**Appendix B to 5 CFR Chapter XIV—
Memorandum Describing the Authority
and Assigned Responsibilities of the
General Counsel of the Federal Labor
Relations Authority**

■ 1. The authority citation for appendix B continues to read follows:

Authority: 3 U.S.C. 431; 5 U.S.C. 7105(d), 7134.

Section I.C. also issued under 5 U.S.C. 7105(e)(1), (f).

■ 2. Amend appendix B by revising section I.C. to read as follows:

**Appendix B to 5 CFR Chapter XIV—
Memorandum Describing the Authority
and Assigned Responsibilities of the
General Counsel of the Federal Labor
Relations Authority**

* * * * *

I. * * *

C. Representation cases. The statutory authority of the Federal Labor Relations Authority to delegate to Regional Directors its authority to process and determine representation matters is set forth in section 7105(e)(1) and (f) of the Statute as follows:

(e)(1) The Authority may delegate to any regional director its authority under this chapter—

(A) to determine whether a group of employees is an appropriate unit;

(B) to conduct investigations and to provide for hearings;

(C) to determine whether a question of representation exists and to direct an election; and

(D) to supervise or conduct secret ballot elections and certify the results thereof.

(f) If the Authority delegates any authority to any regional director . . . to take any action pursuant to subsection (e) of this section, the Authority may, upon application by any interested person filed within 60 days after the date of the action, review such action, but the review shall not, unless specifically ordered by the Authority, operate as a stay of action. The Authority may affirm, modify, or reverse any action reviewed under this subsection. If the Authority does not undertake to grant review of the action under this subsection within 60 days after the later of—

(1) the date of the action, or

(2) the date of the filing of any application under this subsection for review of the action;

the action shall become the action of the Authority at the end of such 60 day period.

In accordance with section 7105(e)(1) and (f) of the Statute, Regional Directors, who are directed and supervised by the General Counsel as provided by section

III of this memorandum, are hereby delegated the authority to determine whether a group of employees is an appropriate unit, to conduct investigations and to provide for hearings, to determine whether a question of representation exists and to direct an election, and to supervise or conduct secret ballot elections and certify the results thereof.

Regional Directors are authorized and have responsibility to receive and process, in accordance with decisions of the Authority and the rules and regulations of the Authority and the General Counsel, all petitions filed pursuant to sections 7111, 7112(d), 7113, 7115, and 7117(d) of the Statute.

The authority and responsibility of Regional Directors in cases filed involving such petitions shall extend to all phases of the investigation of such petitions through the conclusion of the hearing to be conducted by a Regional Office employee (if a hearing should be necessary to resolve disputed issues), including decisional action by the Regional Director after such investigation or hearing.

Regional Directors also are authorized and have responsibility to direct an election after a hearing pursuant to sections 7111 and 7112(d) of the Statute and to approve consent election agreements in accordance with section 7111(g) of the Statute.

In the event a Regional Director directs an election or approves a consent election agreement, the Regional Director is authorized to supervise or conduct the election pursuant to sections 7111 and 7112(d) of the Statute. In such instances, Regional Directors are authorized and have responsibility to determine the validity of determinative challenges and objections to the conduct of the election and other similar matters. This authority and responsibility extends to all phases of the investigation such determinative challenges and objections through the conclusion of a hearing to be conducted by a Regional Office employee (if a hearing should be necessary to resolve disputed issues), including decisional action by the Regional Director after such investigation or hearing.

Decisions and Orders of Regional Directors made pursuant to this delegation of authority become the action of the Authority:

(1) If no interested person files an application for review of the Regional Director's Decision and Order with the Authority within sixty (60) days after the Regional Director's Decision and Order; or

(2) If the Authority does not undertake to grant review of the

Regional Director's Decision and Order within sixty (60) days after the filing of a timely application for review;

If no interested person files an application for review of the Regional Director's Decision and Order with the Authority within (60) days after the Regional Director's Decision and Order, or if the Authority does not undertake to grant review of the action of the regional Director's Decision and Order within sixty (60) days after the filing of a timely application for review, the Regional Director's Decision and Order will become final and binding, and the Regional Director will certify to the parties the results of any election held or issue any clarification of unit, amendment of recognition or certification, determination of eligibility for dues allotment, or certification on consolidation of units as required.

The Authority will undertake to grant review of a Decision and Order of a Regional Director upon the timely filing of an application for review only where compelling reasons exist therefor as set forth in the rules and regulations.

The Authority's granting of review upon the timely filing of an application for review of a Regional Director's Decision and Order will not operate as a stay of such action ordered by the Regional Director, unless specifically ordered by the Authority. If the Authority grants review, the Authority may affirm, modify or reverse action reviewed.

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By the Authority.

Rebecca J. Osborne,

Deputy Solicitor.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31688; Amdt. No. 4239]

**Standard Instrument Approach
Procedures, and Takeoff Minimums
and Obstacle Departure Procedures;
Miscellaneous Amendments**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at