

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 Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228-7309; email: alexis.j.whitaker@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025-0086, dated April 16, 2025.

(ii) [Reserved]

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

(4) You may view this material at 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 October 14, 2026.

Lona C. Saccomando,

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

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DEPARTMENT OF COMMERCE

15 CFR Part 15

[Docket No. 261015-0005]

RIN 0605-AA93

Streamlining the Regulations Governing Testimony by Employees and the Production of Documents in Legal Proceedings

AGENCY: Department of Commerce (Department).

ACTION: Final rule.

SUMMARY: By this rule, the Department amends the regulations governing testimony by its current and former employees and the production of its documents in legal proceedings. This rule amends those regulations by removing and/or replacing language that

is redundant, that references other authorities, or that provides only unnecessary elaboration. This action is necessary to streamline the Department's regulations and reduce regulatory complexity. This action is intended to promote efficiency and simplicity, and to minimize the risk of confusion and/or distraction, without significantly altering any entitlements, obligations, or processes in connection with testimony by Department employees or the production of Department documents.

DATES: The rule is effective October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Deputy General Counsel for Economic, Statistical, and Regulatory Affairs, Office of the General Counsel, at (240) 474-3619.

SUPPLEMENTARY INFORMATION:

I. Background

This action amends the regulations at 15 CFR part 15, subpart B, which govern testimony by current and former employees of the Department and the production of documents in legal proceedings. Those regulations were promulgated on February 17, 1995 (60 FR 9291), and redesignated on April 23, 1997 (62 FR 19669). The cited statutory bases for the regulations include, among others, 5 U.S.C. 301, which grants the Secretary of Commerce the authority to “prescribe regulations for the government of his department, the conduct of its employees, . . . and the custody, use, and preservation of its records, papers, and property”; and 5 U.S.C. 1512, which vests the Department “with jurisdiction and control” over its “bureaus, offices, and branches.”

The regulations at part 15, subpart B, are known as the Department’s “Touhy regulations,” referring to the Supreme Court’s decision in *Touhy v. Ragen*, 340 U.S. 462 (1951). In that case, the Supreme Court held that a subordinate official of the Department of Justice could lawfully refuse to obey a subpoena duces tecum ordering the production of government papers in his possession pursuant to a housekeeping regulation issued by the Attorney General. *Id.* at 463–70. Accordingly, many Federal agencies have promulgated their own Touhy regulations restricting subordinate officials from testifying or producing agency records in legal proceedings without certain prior approval from the agency head or his designee. *See, e.g.*, 32 CFR part 97 (Department of War); 7 CFR part 1, subpart K (Department of Agriculture); 43 CFR part 2, subpart L

(Department of the Interior); 6 CFR part 5, subpart C (Department of Homeland Security).

As for the Department of Commerce’s Touhy regulations, subpart B consists of eight sections. *See* 15 CFR 15.11–15.18. *Section 15.11* describes the scope of the subpart; clarifies that the subpart does not apply to certain scenarios (*e.g.*, testimony while on leave status regarding facts or events unrelated to the official business of the Department, subpoenas for testimony from Congress, demands for testimony by the United States Patent and Trademark Office (USPTO)); and notes that the subpart is not intended to be relied upon to, and does not, create any right or benefit, substantive or procedural, enforceable at law by any party against the United States. *Section 15.12* sets forth various definitions for the subpart. *Section 15.13* sets forth general rules and restrictions governing demands for the testimony of an employee or for the production of documents of the Department; namely, it establishes that “[n]o employee, in response to a demand, shall produce any documents or information of the Department, or provide testimony regarding any information relating to, or based upon Department documents, or disclose any information or produce documents acquired or generated as part of the performance of that employee’s official duties or because of that employee’s official status without the prior authorization of the General Counsel or appropriate agency counsel.” *Section 15.14* sets forth additional rules and restrictions governing demands for the testimony of an employee or for the production of documents of the Department with respect to matters in which the United States is *not* a party, and *section 15.15* does the same with respect to matters in which the United States *is* a party. *Section 15.16* elaborates on the policy and factors to be considered by the General Counsel or appropriate agency counsel when determining whether disclosure or testimony is in the interests of the Department. *Section 15.17* addresses the scenario of demands served upon employees or former employees of the Office of the Inspector General. Lastly, *section 15.18* re-addresses the issue of testimony of Department employees in proceedings involving the United States.

II. Discussion

This action amends the regulations at part 15, subpart B, in the following ways.

First, this action removes text that is plainly redundant. In particular, this action removes from § 15.11(a) the

language prohibiting compliance with certain demands without prior authorization, as that language merely previews the more-detailed restrictions set forth throughout the rest of subpart B. This action also amends §§ 15.12 and 15.15(c) by replacing redundant text (*i.e.*, duplicative definitions and language regarding expert or opinion witnesses in matters in which the United States is a party) with cross-references to earlier portions of part 15 that set forth substantially identical language. This action eliminates § 15.18 entirely, as that section merely restates certain language found at § 15.15(a) and (b) and re-addresses the issue of testimony of Department employees in proceedings involving the United States. These changes streamline subpart B of part 15, and reduce the possibility of confusion associated with redundant text, without making any meaningful substantive changes to the contents of part 15.

Second, this action removes unnecessary citations and references to authorities that speak for themselves. For instance, this action removes from §§ 15.13(d)(2) and 15.14(g)(1)(ii) (*i.e.*, two subsections addressing when it is appropriate for employees to refuse to provide testimony or produce documents) the citations to *Touhy v. Ragen*, 340 U.S. 462 (1951); that Supreme Court decision is sufficiently well established, and these bare citations to it do not provide enough explanatory or contextual value to justify their continued presence in the Code of Federal Regulations. Similarly, this action removes from §§ 15.11(d) and 15.13(b)(2) the cross-references to the USPTO regulations at 37 CFR part 104, while keeping intact the general clarification that subpart B does not apply to demands for testimony of an employee or for the production of documents of the USPTO; the regulations at 37 CFR part 104 are already sufficiently available to the public, and removing the cross-references thereto streamlines subpart B and also eliminates the possibility of confusion in the event that the USPTO regulations are reclassified.

Third, this action removes—and consolidates, as appropriate—a miscellaneous set of unnecessary and excessive regulatory text. Specifically, this action removes: (1) language requiring employees to make certain communications about declining or refusing to comply “respectfully,” *see* §§ 15.13(d)(2) and 15.14(f)–(g); (2) language elaborating on the purpose of certain regulatory requirements, *see* §§ 15.14(b) and 15.15(b); (3) language stating that, “where a statute or

Presidential order mandates a personal decision by the Secretary,” he “retains” the authority to make such a decision, *see* § 15.14(d); and (4) language elaborating on the Department’s internal administrative processes and requirements related to legal review, consultation, and authorization, *see* §§ 15.11(e), 15.13(d)(1), 15.13(d)(2), 15.14(g)(1), 15.14(g)(1)(i)(C), 15.15(a). None of this language is necessary and, upon review, the Department considers the continued maintenance of such language in the Code of Federal Regulations to be unwarranted.

Overall, this action simplifies and streamlines the regulations at part 15, subpart B, without significantly altering any entitlements, obligations, or processes in connection with testimony by Department employees or the production of Department documents.

Regulatory Classifications

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(a)(2), the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable to this rule because it concerns “a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” This rule sets forth requirements and restrictions regarding the testimony of Department employees and the production of Department documents; accordingly, it plainly concerns agency management, personnel, and property.

The Department also finds good cause to waive the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this final rule pursuant to 5 U.S.C. 553(b)(B). The Department has determined that prior notice and opportunity for public participation is unnecessary and unwarranted, because this rule merely removes and/or replaces excess regulatory text; none of the text being removed by this rule is required by any authority, and none of the removals will meaningfully impact any substantive requirement, restriction, or entitlement. This action is consistent with the Department’s commitment to pursuing regulatory simplicity and efficiency, and the Department considers public participation impracticable for this housekeeping action.

Similarly, the Department has determined that delaying the effectiveness of this rule would be contrary to the public interest. The described removals and amendments

will streamline part 15, subpart B—and thereby enhance clarity and minimize the possibility of confusion and/or distraction—without meaningfully altering any requirement, restriction, or entitlement, and at little to no cost. These regulatory revisions do not require any affected entity to take any advance action to come into compliance with any provision.

For these reasons, the Department issues this final rule without prior public notice and comment or a delayed effective date pursuant to 5 U.S.C. 553(a)(2). Additionally, the Department finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d)(3).

B. Executive Orders 12866, 14192, and 13132

The Office of Management and Budget has determined this rule is not significant pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

C. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

D. Paperwork Reduction Act

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in 15 CFR Part 15

Administrative practice and procedure, Courts, Government employees.

Dated: October 15, 2026.

Daniel Sweeney,

Deputy General Counsel for Economic, Statistical, and Regulatory Affairs.

Accordingly, for the reasons set forth above, part 15 of title 15 of the Code of Federal Regulations is amended as follows:

PART 15—LEGAL PROCEEDINGS

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 1501, 1512, 1513, 1515 and 1518; Reorganization

Plan No. 5 of 1950; 3 CFR, 1949–1953 Comp., p. 1004; 44 U.S.C. 3101; subpart C is issued under 37 U.S.C. 101, 706; 15 U.S.C. 1673; 42 U.S.C. 665.

Subpart B—Testimony by Employees and the Production of Documents in Legal Proceedings

■ 2. Amend § 15.11 by revising paragraphs (a), (c), (d), and (e) to read as follows:

§ 15.11 Scope.

(a) This subpart sets forth the policies and procedures to be followed with respect to the production or disclosure of the testimony of employees and former employees of the Department of Commerce as witnesses in legal proceedings and the production or disclosure of information contained in Department of Commerce documents, or any information acquired by any person while such person was an employee of the Department of Commerce, for use in legal proceedings pursuant to a request, order, or subpoena (collectively referred to in this subpart as a “demand”).

* * * * *

(c) This subpart does not apply to any legal proceeding in which the Department is a party or to demands for testimony or documents received from Congress, a Federal agency Inspector General, or a Special Prosecutor.

(d) This subpart does not apply to any demand for testimony of employees and former employees of the United States Patent and Trademark Office (USPTO) or to demands for the production of USPTO documents. Any such demand must be sent directly to USPTO.

(e) This subpart in no way affects the rights and procedures governing public access to records pursuant to the Freedom of Information Act, the Privacy Act, or the Trade Secrets Act or other Federal law restricting the disclosure of information. Moreover, demands in legal proceedings for the production of records, or for the testimony of Department employees regarding information protected by the Privacy Act, 5 U.S.C. 552a, the Trade Secrets Act, 18 U.S.C. 1905, Census data under Title 13, U.S.C., or other confidentiality statutes, must satisfy the requirements for disclosure set forth in those statutes, if any, before the records may be provided or testimony given.

* * * * *

■ 3. Revise § 15.12 to read as follows:

§ 15.12 Definitions

The definitions set forth at § 15.2(b), (c), (f), and (g), and also the following definitions, shall apply to this subpart:

Agency counsel means the Chief Counsel/s or General Counsel/s (or that

official’s designee) of a bureau or operating unit within the U.S. Department of Commerce who is the senior legal officer responsible for overseeing legal advice and guidance provided to a particular bureau or operating unit.

Counsel to the Inspector General means Counsel to the Inspector General of the U.S. Department of Commerce.

Demand means a request, order, or subpoena for testimony or documents for use in any legal proceeding, regardless of whether the United States is a party to the proceeding.

Document or information means any record, regardless of format, medium or physical characteristic, document, electronically stored information, paper and other property of the Department, including without limitation, official letters, telegrams, memoranda, reports, studies, writings, emails, calendar and diary entries, text or chat messages, maps, graphs, pamphlets, notes, charts, tabulations, analyses, statistical or informational accumulations, any kind of summaries of meetings and conversations, film impressions, magnetic tapes or sound or mechanical reproductions. Nothing in this paragraph (f) shall be interpreted as requiring the creation of a new document to respond to any demand.

Employee means any current or former employees or officers of the U.S. Department of Commerce, including any commissioned officer of the National Oceanic and Atmospheric Administration or any other individual who has been appointed by, or is subject to the supervision, jurisdiction, or control of the U.S. Department of Commerce, including contract employees. Contractors may be included.

General Counsel means the General Counsel of the U.S. Department of Commerce or other U.S. Department of Commerce employee to whom the General Counsel has delegated authority to act under this subpart.

Inspector General means the Inspector General of the U.S. Department of Commerce.

Legal proceeding means all pretrial, trial, and post-trial stages of any existing or reasonably anticipated judicial or administrative actions, hearings, investigations, or similar proceedings before administrative, civil, or criminal courts, commissions, boards, or other tribunals, domestic—including local, tribal, state, and Federal—foreign, or international. “Legal proceedings” includes all phases of discovery as well as responses to any formal or informal requests by attorneys, investigators, or other persons not employed by the

Department, regarding, testimony, documents, information, or consultation, solicited for use in any legal proceedings.

Testimony means a statement in any form, including personal appearances before a judge, magistrate, administrative law judge, administrative judge, hearing officer, special master, special counsel, investigating officer or board, or any other court or legal tribunal; declarations made pursuant to 28 U.S.C. 1746; interviews; depositions; telephonic, televised, or videotaped statements; or any responses given during discovery or similar proceedings, which response would involve more than the production of documents.

United States means the Federal Government, its departments and agencies, and individuals acting on behalf of the Federal Government.

■ 4. Amend § 15.13 by revising paragraphs (b) and (d) to read as follows:

§ 15.13 Demand for testimony or production of documents: Department procedures.

* * * * *

(b) *Notifications.* (1) A demand for the testimony of an employee or for the production of documents of the Department shall be made in writing and addressed to the Assistant General Counsel for Employment, Litigation, and Information, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 5896, Washington, DC 20230; or by email to: Touhy@doc.gov; or in writing and addressed or email to appropriate agency counsel.

(2) [Reserved]

* * * * *

(d) *Subpoenas.* A subpoena for testimony or production of documents by a Department employee must be served in person or by mail in accordance with the Federal Rules of Civil or Criminal Procedure or applicable state procedure. Service solely by electronic means is not authorized. If service is made upon anyone other than the General Counsel or appropriate agency counsel, then a copy of the subpoena shall also be contemporaneously sent to the General Counsel at the appropriate addresses in paragraph (b) of this section, or appropriate agency counsel.

(1) An employee who receives such a subpoena shall not respond and shall immediately forward the subpoena to the Office of the Assistant General Counsel for Employment, Litigation, and Information or appropriate agency counsel for their legal review and determination. No employee will comply with such a subpoena without

express permission of the of the General Counsel or appropriate agency counsel.

(2) [Reserved]

* * * * *

■ 5. Amend § 15.14 by removing and reserving paragraphs (b) and (d) and by revising paragraphs (f)(1), (g) introductory text, (g)(1) and (2) to read as follows:

§ 15.14 Demand for testimony or production of documents in matters in which the United States is not a party.

* * * * *

(f) * * *

(1) Decline to answer on the grounds that such testimony is prohibited; and

* * * * *

(g) *Expert or opinion witness.* (1) Current employees, with or without compensation, shall not provide expert or opinion testimony in any legal proceedings regarding Department information, subjects, or activities except on behalf of the United States or a party represented by the United States Department of Justice, unless they receive a prior authorization in writing from the General Counsel or appropriate agency counsel.

(i) If, while testifying in any legal proceeding, an employee is asked for expert or opinion testimony regarding official information, subjects, or activities, which testimony has not been approved in advance in accordance with the regulations in this subpart, the witness shall:

(A) Decline to answer on the grounds that such expert or opinion testimony is forbidden by the regulations in this subpart; and

(B) Request an opportunity to consult with the General Counsel or appropriate agency counsel before giving such testimony.

(C) [Reserved]

(ii) If the body conducting the proceeding then orders the witness to provide expert or opinion testimony regarding official information, subjects, or activities without the opportunity to consult with either the General Counsel or appropriate agency counsel, the witness shall decline to comply with that order.

* * * * *

■ 6. Amend § 15.15 by revising paragraphs (a), (b), and (c) to read as follows:

§ 15.15 Demand for testimony or production of documents in matters in which the United States is a party.

* * * * *

(a) *Demand not from the United States.* For demands for documents from, or testimony of an employee of the

Department, from an entity other than the United States pursuant to a legal proceeding in which the United States is a party, the demand must be in writing and signed, delivered in accordance with § 15.13(b), setting forth the information required in § 15.14(a), and copied to the attorneys of record representing or acting under the authority of the United States in the legal proceeding.

(b) *Demand from the United States.* When a demand for documents from, testimony of, or consultation with an employee of the Department comes from an attorney representing or acting under the authority of the United States concerning a legal proceeding in which the United States is a party, every such demand should be accompanied by a statement setting forth the legal proceeding, the forum, the United States' interest in the legal proceeding, and the relevance and use of the requested documents or testimony. Where appropriate, the General Counsel or appropriate agency counsel may require reimbursement to the Department of the expenses associated with a Department employee giving testimony or providing consultation on behalf of the United States.

(c) *Expert or opinion witness.* In a legal proceeding in which the United States is a party, a current Department employee may not testify as an expert or opinion witness for any other party other than the United States. However, a former employee may provide opinion or expert testimony for a party other than the United States under the same conditions set out in § 15.14(e)(2).

§ 15.18 [Removed and Reserved]

■ 7. Remove and reserve § 15.18.

[FR Doc. 2026–21272 Filed 10–16–26; 8:45 am]

BILLING CODE 3510–17–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1461

[Docket No. CPSC–2022–0017]

RIN 3041–AE27

Interpretation of “Flammable Liquid Fuels” With Respect to Fuel Additives

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; interpretation.

SUMMARY: The Consumer Product Safety Commission (CPSC) is issuing an interpretive rule that interprets the phrase “flammable liquid fuels” as used in the Portable Fuel Container Safety

Act of 2020 (PFCSA). Consistent with the plain language of the statute, the Commission interprets this phrase not to include fuel additives that are intended to be added to flammable liquid fuels for the sole purpose of improving engine performance, cleaning engine components, extending engine life, stabilizing fuel, preventing weather effects from fuel, or some similar purpose unrelated to creating heat or power.

DATES: The rule is effective on October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Matthew A. Campbell, General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–0124; email: mcampbell@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. PFCSA

The PFCSA required the Commission to promulgate, not later than 30 months after December 27, 2020, a final rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container. 15 U.S.C. 2056d(b)(1). However, the Commission was not required to promulgate a final rule for a class of portable fuel containers within the scope of the PFCSA if the Commission determined that existing voluntary standards met certain requirements under the statute and published those determinations in the **Federal Register**. 15 U.S.C. 2056d(b)(3). Pursuant to the PFCSA, once the Commission made such a determination with respect to a voluntary standard, the requirements of that voluntary standard shall be treated as a mandatory consumer product safety rule. 15 U.S.C. 2056d(b)(4).

On January 13, 2023, the Commission published favorable determinations under section 2056d(b)(3)(A) of the PFCSA regarding three voluntary standards for portable fuel containers: ASTM F3429/F3429M–20, ASTM F3326–21, and section 18 of ANSI/CAN/UL/ULC 30:2022 (UL 30:2022). 88 FR 2206. Since the Commission's January 2023 determinations, ASTM F3429/F3429M–20 has been updated twice. In October 2023, the mandatory standard was updated to ASTM F3429/F3429M–23 and CPSC codified this standard in the Code of Federal Regulations (88 FR 74342, October 31, 2023), and in April 2024, the mandatory standard was updated to ASTM F3429/F3429M–24 (89 FR 34102, April 30, 2024). Pursuant to the PFCSA, each revised voluntary standard became enforceable as a