

across State lines, DOT will defer to that granting authority.

- SAPs must evaluate each employee within the parameters of the SAP's State-issued license or other credential [§ 40.291(a)].

- All assessments and evaluations must be done face-to-face (whether in-person or remote) [§ 40.291(a)(1)].

- The evaluation should be comprised of a review of the employee's psychosocial history, an in-depth review of the employee's drug and alcohol use history (with information regarding onset, duration, frequency, and amount of use; substance(s) of use and choice; emotional and physical characteristics of use; and associated health, work, family, personal, and interpersonal problems), and an evaluation of the employee's current mental status [§ 40.281(f)].

- The evaluation should provide a diagnosis, treatment recommendations, and a treatment plan that the employee must complete before becoming eligible for the required follow-up evaluation and subsequent return (if the employer desires) to safety-sensitive functions.

- You must conduct a comprehensive assessment and clinical evaluation unique to each employee [§ 40.293(e)].

- It is never appropriate to provide employees with an estimated RTD timeline before conducting an initial SAP evaluation and assessment.

- You must recommend a course of education or treatment unique to each employee.

- It is never appropriate to assign the same education or treatment to every employee.

- As a SAP, when determining what your recommendations will be, you must not take into consideration any of the following [§ 40.293(g)]:

- Claims that the testing process was unjust or inaccurate;

- Employee attempts to mitigate the seriousness of the violation (e.g., hemp oil, "medical marijuana" use, "contact positives", poppy seed ingestion, job stress);

- Personal opinions about the justification or rationale for the drug and alcohol testing.

- SAPs should not provide employees with an estimated RTD timeline because each employee's situation is different. SAPs should not 'fast-track' the RTD process with a promise to get the employee back to performing safety-sensitive functions as soon as possible. Again, each employee's situation is unique, and the RTD process will progress accordingly.

- You must NEVER give the employee a copy of their follow-up testing plan. You should also instruct

the employer not to share the follow-up testing plan with the employee.

- SAPs may direct an employee to be tested for both alcohol and drugs for the RTD test and for the follow-up testing plan.

- FAA ONLY—SAPs must understand the FAA's requirements for RTD testing. The type of RTD test (drug or alcohol) must be in accordance with 14 CFR 120.109(e) and/or 120.217(e).

- FAA ONLY—When working with individuals who hold or are required to hold an airman medical certificate issued under 14 CFR part 67 to perform a safety-sensitive function for an employer, the SAP must follow 14 CFR 120.113(d)(2) or 120.221(c)(4) to ensure the individual has an airman medical certificate dated after their drug or alcohol violation before recommending to the employer that the individual may be returned to a safety-sensitive position.

- FMCSA ONLY—SAPs are required to report specific information to FMCSA's Clearinghouse. This reporting must comply with the requirements outlined in 49 CFR 382.705(d).

- FRA ONLY—SAPs performing the role of the 'Drug and Alcohol Counselor (DAC)' as outlined in FRA's crewmember certification rules (see §§ 240.115 and 240.111) for non-DOT testing violations, DUIs, and voluntary self-referrals must not apply Part 40 requirements. Any follow-up testing resulting from a DAC evaluation must be non-DOT. SAPs and employers must verify and re-verify together, the authority under which the violations or referrals occur. Using DOT authority for directly observed RTD and follow-up testing without a Part 40 violation is a serious breach of an employee's Constitutional right to reasonable search and seizure.

Confidentiality and Recordkeeping

- Part 40 authorizes SAPs to provide written reports (including the follow-up testing plan) directly to the employer or the gaining employer when requested. Ensure the SAP report includes all required elements [§ 40.311].

- When requested by the employee, you must provide the SAP reports, from which you must redact the follow-up testing requirements [§ 40.329(c)].

- You may communicate with the MRO or the education or treatment program personnel [§ 40.293(h) & § 40.301(b)(1)].

- Maintain copies of the employee's reports for five years (from the date of the 2nd report) [§ 40.311(g)]. All records should be maintained in limited-access areas that permit no unauthorized entry.

- Nothing in Part 40 limits the number of times a SAP can provide the follow-up testing plan to a potential or gaining employer.

Enforcement

- Examples of the kinds of serious noncompliance that the Department views as appropriate grounds for starting a Public Interest Exclusion (PIE) proceeding (not an exclusive list) [§ 40.365]:

- Providing SAP services while not meeting the SAP qualifications required in § 40.281 or performing evaluations without interviews meeting the requirements of § 40.291(a)(1);

- Any service agent falsely representing that the service agent, or its activities, are approved or certified by the Department or a DOT agency (such presentation includes, but is not limited to, the use of a Department or DOT agency logo, title, or emblem);

- Any service agent maintaining a relationship with another party that constitutes a conflict of interest under Part 40.

Issued in Washington, DC.

Douglas Simon,

Director, Office of Drug and Alcohol Policy Compliance.

[FR Doc. 2026-04337 Filed 3-3-26; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312-0037; RTID 0648-XF517]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 2, 2026, through 1200 hours, A.l.t., September 1, 2026.

FOR FURTHER INFORMATION CONTACT:

Abby Jahn, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2026 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA is 3,688 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) and inseason adjustment (91 FR 5858, February 10, 2026).

In accordance with § 679.20(d)(1)(i), the Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2026 Pacific cod TAC apportioned to vessels using pot gear in

the Central Regulatory Area of the GOA has or will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,688 mt and is setting aside the remaining 0 mt as incidental catch because it is not necessary to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA to prevent exceeding this sector's A season allowance of Pacific cod TAC.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and

an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using pot gear in the A season in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch only became available as of February 27, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026-04311 Filed 3-2-26; 4:15 pm]

BILLING CODE 3510-22-P