

customs territory of the United States" to the conveyances and the passengers listed above; and

- Administering 21 U.S.C. 136a, concerning the "collection of fees for inspection services."

In addition, the FACT Act, as amended, contains the following requirements:

- The amount of the fees shall be "commensurate with the costs of [AQI] services with respect to the class of persons or entities paying the fees."

- The cost of AQI services "with respect to passengers as a class" shall "include the cost of related inspections of the aircraft or other vehicle."

The user fees for the AQI activities described above are contained in 7 CFR 354.3, "User fees for certain international services." APHIS' regulations regarding user fees relating to imports and exports, as well as overtime services, are found in 7 CFR part 354.

On May 7, 2024, we published a final rule in the **Federal Register**, (89 FR 38596–38644, Docket No. APHIS–2022–0023),<sup>1</sup> amending the user fee regulations associated with the AQI program. The final rule went into effect on October 1, 2024, with the exception of the removal of 7 CFR 354.3(e)(2)(iv), which contains an exemption from paying the AQI user fee for commercial aircraft with 64 or fewer seats meeting certain conditions. Because small commercial passenger aircraft have not previously been subject to the fee, we delayed implementation of the commercial aircraft fee for passenger aircraft with 64 or fewer seats until April 1, 2025 (89 FR 38621). In this document, we are postponing the implementation of the removal of § 354.3(e)(2)(iv) for an additional 60 days, until June 2, 2025.

This postponement is in accordance with the Presidential Memorandum titled "Regulatory Freeze Pending Review" issued January 20, 2025, which orders all agencies to consider postponing for 60 days the effective date of any rule that has not taken effect, for the purpose of reviewing any question of fact, law or policy that the rule may raise.<sup>2</sup>

#### Request for Information

The memorandum also directs agencies, during this 60-day period of delay of effective date, where

<sup>1</sup> To view the proposed rule, final rule, supporting documents, and the comments received, go to *Regulations.gov*. Enter APHIS–2022–0023 in the Search box.

<sup>2</sup> To view the memorandum, go to <https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/>.

appropriate and consistent with applicable law, to consider opening a comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by the rules postponed under this memorandum. Accordingly, we are soliciting public information about small commercial passenger aircraft operations, for the reasons discussed below.

Since the final rule was published, some operators of small commercial passenger aircraft stated that their aircraft do not pose a sanitary or phytosanitary risk because they do not have cargo holds and, therefore, do not carry cargo that requires AQI services. These same small commercial passenger aircraft operators further stated that they should continue to be exempt from the AQI user fees for commercial aircraft. Other small commercial passenger aircraft operators stated that they were not of an equivalent risk profile to larger commercial carriers and should pay a lower fee that correlates to this lower risk.

In the May 2024 final rule, we created a separate, lower fee structure for certain commercial vessels operating in the Great Lakes and Cascadia based on comments received during the comment period on the proposed rule (88 FR 54796–54827, Docket No. APHIS–2022–0023) that the area of departure, route, and arrival were bounded and routine for many of those vessels (89 FR 38607–38609). Based on the comments received and available information, APHIS determined that depending on their cargo, vessels operating in the Great Lakes and Cascadia could pose a lower sanitary and phytosanitary risk than other types of commercial vessels traveling internationally warranting a lower fee rate provided that certain requirements are met (89 FR 38608–38609). APHIS is therefore open to the possibility of a lower AQI user fee for small commercial passenger aircraft, if warranted and adequately supported by data.

We are soliciting public information about small commercial passenger aircraft operations; in particular, whether small commercial passenger aircraft operators have additional data regarding the nature of their activities and whether those activities result in a lower sanitary and phytosanitary risk profile that would merit less intensive AQI services and a lower corresponding user fee. We are thus soliciting information about whether APHIS should consider modifying the commercial aircraft fee for small commercial passenger aircraft in a similar way to the fee structure we

created for the Great Lakes and Cascadia commercial vessels. Specifically, we request information about whether:

- Small commercial passenger aircraft predominately operate (and seldom depart from) a distinct geographical or environmental area;
- Aircraft departures and arrivals are often more frequent than those of larger commercial aircraft;
- There is information that indicates that these small commercial passenger aircraft take the same or substantially similar routes per flight;
- There is information that indicates that these small commercial passenger aircraft carry the same or substantially similar cargo per shipment and that the cargo carried does not present a significant sanitary or phytosanitary risk;
- There are any other considerations that could help us differentiate aircraft into categories based on sanitary and phytosanitary risk; and

- There are other ways that the fee could be structured differently, in a manner commensurate with the services being provided, and evidence to support any alternate fee structures.

(Authority: 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.)

Done in Washington, DC, this 17th day of March 2025.

Michael Watson,

*Administrator, Animal and Plant Health Inspection Service, USDA.*

[FR Doc. 2025–04821 Filed 3–20–25; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 11

[Docket No. APHIS–2022–0004]

**RIN 0579–AE70**

#### Horse Protection Amendments; Further Delay of Effective Date, and Request for Comment

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule; further delay of effective date and request for comment.

**SUMMARY:** On May 8, 2024, we published a final rule amending the horse protection regulations. The amendments to the final rule initially scheduled to go into effect on February 1, 2025, were delayed until April 2, 2025. In this document, we are further delaying the effective date of the

amendments effective April 2, 2025, to February 1, 2026. We are also seeking comment on whether the length of this postponement should be extended and soliciting any supplemental information that may help inform a decision regarding an appropriate length of postponement.

**DATES:** As of March 21, 2025, the amendments to 9 CFR 11.1 through 11.18 effective February 1, 2025, (89 FR 39194), delayed until April 2, 2025, (90 FR 8253), are further delayed until February 1, 2026. We will consider all comments that we receive on or before May 20, 2025.

**ADDRESSES:** You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov). Enter APHIS-2022-0004 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- **Postal Mail/Commercial Delivery:** Send your comment to Docket No. APHIS-2022-0004, Regulatory Analysis and Development, PPD, APHIS, Station 2C-10.16, 4700 River Road, Unit 25, Riverdale, MD 20737-1238.

Any comments we receive on this docket may be viewed at *Regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Louis DiVincenti, Acting Animal Welfare Operations Director, 2150 Centre Ave. Bldg. B, Mailstop 3W11, Fort Collins, CO 80526; (585) 549-0570; [louis.divincenti@usda.gov](mailto:louis.divincenti@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the Horse Protection Act (HPA, or the Act, 15 U.S.C. 1821 *et seq.*), the Secretary of Agriculture is authorized to promulgate regulations to prohibit the movement, showing, exhibition, or sale of sore horses. The Secretary has delegated responsibility for administering the Act to the Administrator of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the Act has been delegated to the Deputy Administrator for Animal Care. Regulations and standards established under the Act are contained in 9 CFR part 11 (referred to below as the Horse Protection

regulations or just the regulations), and 9 CFR part 12 lists the rules of practice governing administrative proceedings.

On May 8, 2024, APHIS published in the **Federal Register** (89 FR 39194-39251, APHIS-2022-0004),<sup>1</sup> a final rule titled "Horse Protection Amendments" (2024 Horse Protection final rule) that was to be effective on February 1, 2025, except for § 11.19, which had an effective date of June 7, 2024.

On January 28, 2025, APHIS published in the **Federal Register** (90 FR 8253-8254, APHIS-2022-0004),<sup>2</sup> a postponement of the regulations in the 2024 Horse Protection final rule, delaying the effective date of all provisions other than those in § 11.19 until April 2, 2025.

In the postponement, we noted that, on July 1, 2024, a complaint was filed in the U.S. District Court for the Northern District of Texas and amended on September 23, 2024.<sup>3</sup> The amended complaint alleged, in part, that the 2024 Horse Protection final rule exceeded APHIS's statutory authority and would have a significant economic impact on the Tennessee Walking Horse industry altogether. The amended complaint requested vacatur of the final rule. The parties completed briefing on their cross motions for summary judgment on December 20, 2024.

In the postponement, we explained that we were taking the action pursuant to section 705 of the Administrative Procedure Act in order to temporarily preserve the regulatory status quo during the pendency of the litigation. We noted that if the Court were to vacate, enjoin, or modify the final rule shortly before or after it would otherwise have been effective, there would be costs associated with reverting back to the previous regulatory regime on short notice. We also cited possible disruptive consequences to horse owners and trainers.

We concluded that, due to the approaching effective date, a postponement would preserve the existing status quo—a legal and regulatory regime that has applied for years prior to the effective date—and eliminate uncertainty for the duration of the postponement, providing predictability to the regulated industry for at least the beginning of the 2025

<sup>1</sup> To view the final rule, go to <https://www.regulations.gov/document/APHIS-2022-0004-8793>.

<sup>2</sup> To view the postponement, go to <https://www.regulations.gov/document/APHIS-2022-0004-8797>.

<sup>3</sup> *The Tennessee Walking Horse National Celebration Association, et al. v. United States Department of Agriculture, et al.*, 2:24-cv-00143 (N.D. Tex.).

show season, which started on or about February 28, 2025, and continues to November.

Finally, in the postponement, we noted that the postponement was in accordance with the Presidential Memorandum titled "Regulatory Freeze Pending Review"<sup>4</sup> and issued on January 20, 2025 (the "Regulatory Freeze memorandum"), which orders all agencies to consider postponing for 60 days the effective date of any rule that has not taken effect, for the purpose of reviewing any question of fact, law or policy that the rule raises.

On January 31, 2025, the United States District Court for the Northern District of Texas issued its decision. The Court held that APHIS had exceeded its statutory authority in the 2024 Horse Protection final rule by issuing a blanket prohibition of the use of pads, action devices, and substances on Tennessee Walking Horses and racking horses; that a Dermatologic Conditions Indicative of Soring provision intended to replace the "scar rule" failed to provide due process; and that the pre- and post-deprivation reviews in the rule had failed to provide due process. In the order, the Court vacated the above provisions, found in §§ 11.5, 11.6(c), 11.7, and 11.8(h) of the 2024 Horse Protection final rule.

With those provisions in the 2024 Horse Protection final rule vacated, the final rule will now only amend a patchwork of several portions of the existing regulations. The final rule, as partially upheld by the district court, removes the requirement that Designated Qualified Persons (DQPs) be trained and licensed by horse industry organizations (HIOs) and removes the term DQPs from the regulations. The final rule requires the use of "Horse Protection Inspectors," or HPIs. The regulation specifies that APHIS will authorize these applicants, preferably licensed veterinarians, as HPIs after screening them for potential conflicts of interest and conducting training. The agency adopted this regulatory change to bring inspectors directly under APHIS oversight and ensure that they are sufficiently screened for conflicts of interest. After the effective date of the other provisions of the final rule, only APHIS representatives and HPIs may be utilized by management to detect and identify horses which are sore or otherwise inspect horses for compliance with the Act or regulations. Any DQPs seeking to continue inspecting or other persons wishing to become inspectors

<sup>4</sup> To view the memorandum, go to <https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/>.

after the effective date of the final rule must apply to APHIS to become an HPI and meet eligibility qualifications for authorization included in § 11.19. While the requirements in § 11.19 for training and authorizing HPIs became effective June 7, 2024, the requirement in § 11.18 that management pivot from electing to utilize DQPs to electing to utilize HPIs is not scheduled to become effective until April 2, 2025, or, by this document, February 1, 2026.

Additionally, the final rule will amend reporting requirements, expanding the number of entities subject to its applicability to include shows, exhibitions, sales and auctions of all breeds of horses, not just Tennessee Walking Horses or racking horses, as well as imposing earlier timeframes for reporting. In particular, new § 11.16 requires that at least 30 days before *any* horse show, horse exhibition, horse sale, or horse auction is scheduled to begin, management must notify the Administrator of such event, and at least 15 days prior thereto, the Administrator must be notified of any changes. We estimate that thousands of events will be newly subject to these reporting requirements.

In light of the Court's decision, we are further postponing the effective date of the portions of the final rule that have not been vacated by the district court and otherwise would go into effect on April 2, 2025. We are postponing that effective date to February 1, 2026. APHIS is taking this action, effective immediately, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Moreover, to the extent that extending the effective date of this final rule would grant an exception or relieve a restriction, an exception also applies under 5 U.S.C. 553(d)(1). APHIS has determined that it would be impracticable and contrary to the public interest to delay this postponement until a full public notice-and-comment process is completed. It is impracticable because there is not enough time to receive and review comments before the current effective date of April 2, 2025. It would be contrary to the public interest because allowing the partially vacated 2024 Horse Protection final rule to go into effect on April 2, 2025, or at any other point in the middle of the current show season, would have disruptive consequences and result in "regulatory whiplash" to the regulated industry, as described below.

As described above, perhaps the most significant provisions of the 2024 Horse Protection final rule that remain after the Court's vacatur are the provisions that replace the industry-overseen DQPs with HPIs. Therefore, the practical

impact of an April 2, 2025, effective date of the vacated rule is that management that elects to utilize an inspector will be required to appoint either an HPI or an APHIS representative at any shows occurring April 2, 2025, or later. The agency explained that it considered the HPI-specific provisions of the rule capable of operating independently irrespective of the implementation of the other provisions, and if a court were to vacate the rule's prohibitions, "HPIs could still be trained and authorized regarding the remaining provisions of the rule, as well as the Act itself, and the Agency would still have jurisdiction over such training and authorization." (89 FR 39194, 39234, May 8, 2024). APHIS has identified 67 applicants to be HPIs and trained 17 prospective HPIs in accordance with § 11.19. However, due to the vacatur of the provisions governing prohibited items at shows and criteria for identifying soring—*i.e.* the provisions that the HPIs have received training under—APHIS must redevelop its HPI training program and re-train each of the 17 prospective HPIs in accordance with the surviving regulations. APHIS intends to ensure that HPI training includes workshops, classroom and virtual instruction, and hands-on training, with evaluations to confirm mastery of subject matter. APHIS requires additional time to redevelop this training program and retrain each prospective HPI. Additionally, APHIS has received numerous inquiries regarding the new reporting requirement at § 11.16, indicating that there is general confusion as to which entities need to comply and how they do so. These developments—most centrally the court's partial vacatur—have placed both the agency and industry in an untenable position: only 17 HPIs are available to inspect horses and those HPIs must be re-trained to inspect under the prior inspection regime, rather than the now-vacated regime on which they were trained. Additionally, many stakeholders are concerned that the new reporting requirement is overly burdensome. For these reasons, good cause exists to delay the effective date to February 1, 2026.

This new effective date falls after the conclusion of the current show season, and before the start of the 2026 show season. Postponing until February 1, 2026, will ensure that Agency officials have the opportunity to fully evaluate the court's decision, evaluate the program as a whole, and assess whether it wishes to proceed with the final rule,

as vacated, or take other action, without disrupting the 2025 show season.

Further postponing the effective date will allow APHIS the necessary time to identify appropriate next steps to ensure that the 2024 Horse Protection final rule goes into effect with clarity to the regulated industry regarding its application and enforcement.

In the intervening time, the regulated industry and APHIS will continue to operate under the legal and regulatory regime that has applied for years prior to the effective date of the 2024 Horse Protection final rule—except for the HPI training provisions of § 11.19, which were effective on June 7, 2024—providing predictability to the regulated industry.

The Regulatory Freeze memorandum instructs Agencies to consider further delaying effective dates of final rules beyond the initial 60-day period, where necessary to continue to review questions of fact, law, and policy. The memorandum further instructs Agencies to, "where appropriate and consistent with applicable law, consider opening a comment period to allow interested parties to provide comments about issues of fact, law, and policy" raised by a rule subject to a delay of effective date based on the memorandum. One of our priorities is ensuring policy is in alignment with the President's objectives. Another priority is providing clarity for the regulated public. Accordingly, the further postponement of the effective date of the final rule, with the exception of § 11.19, will allow for stakeholder input and for further examination of the horse protection program, especially in light of the Court's decision. In the event that policy preferences within our purview shift in response to additional examination or stakeholder feedback, and we determine that future rulemaking is desired, preserving the status quo until February 1, 2026, will insulate the public from any would-be "regulatory whiplash" resulting from any shifts in policy decisions. The postponement will provide the regulated public with clarity and stability, as opposed to allowing the rule to go into effect at the risk of a subsequent determination that the aims of the rule are not in alignment with the policy of this Administration.

In connection with this action, we specifically request comment regarding whether this extension provides a sufficient period of time, or whether the delay should be extended for a second season. We therefore solicit any supplemental information regarding Horse Protection Act authorities, standards, recordkeeping, or other matters that may help inform a decision

regarding an appropriate length of postponement.

(Authority: 5 U.S.C. 553; 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.)

Done in Washington, DC, this 17th day of March 2025.

**Michael Watson,**

*Administrator, Animal and Plant Health Inspection Service, USDA.*

[FR Doc. 2025–04813 Filed 3–20–25; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket FAA–2023–2234; Project Identifier AD–2023–00963–T; Amendment 39–22960; AD 2025–04–02]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. As published, the service information referenced in certain paragraphs of the regulatory text is incorrect, and the dates specified in the “System Airworthiness Limitation No. 3—Fan Blade Out Conditions” text and “System Airworthiness Limitation No. 4—Engine Nacelle Maintenance Errors” text of figure 1 to paragraph (j) of the regulatory text are incorrect. This document corrects those errors. In all other respects, the original document remains the same.

**DATES:** This correction is effective April 8, 2025. The effective date of AD 2025–04–02 remains April 8, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2025 (90 FR 11109, March 4, 2025).

#### ADDRESSES:

**AD Docket:** You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2023–2234; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

#### Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–2234.

**FOR FURTHER INFORMATION CONTACT:** Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 206–231–3958; email: *luis.a.cortez-muniz@faa.gov*.

**SUPPLEMENTARY INFORMATION:** AD 2025–04–02, Amendment 39–22960 (90 FR 11109, March 4, 2025) (AD 2025–04–02), requires replacing the fasteners on the fan cowl support beam hinge fittings for certain airplanes and, for all airplanes, requires modifying the radial restraint assembly and installing an external doubler at the starter vent, or as an option, installing a serviceable fan cowl. AD 2025–04–02 also requires revising the existing maintenance or inspection program, as applicable, to incorporate new airworthiness limitations. AD 2025–04–02 applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes.

#### Need for Correction

As published, the service information referenced in certain paragraphs of the regulatory text is incorrect, and the dates specified in the “System Airworthiness Limitation No. 3—Fan Blade Out Conditions” text and “System Airworthiness Limitation No. 4—Engine Nacelle Maintenance Errors” text of figure 1 to paragraph (j) of the regulatory text are incorrect.

Paragraphs (h)(4), (h)(5), and (h)(7) of the regulatory text inadvertently referred to “Boeing Special Attention Requirements Bulletin 737–71–1938 RB, Revision 1, dated June 27, 2024,” instead of “Boeing Special Attention Requirements Bulletin 737–71–1937 RB, Revision 1, dated June 27, 2024.”

Paragraph (h)(4) of the regulatory text also inadvertently referred to “Collins Aerospace Service Bulletin 737NG–71–007,” instead of “Collins Aerospace Service Bulletin 737NG–71–008,” and inadvertently referred to “Material Necessary for Each Inlet Assembly” instead of “Material Necessary for Each Component.”

Paragraph (h)(7) of the regulatory text also included a reference to Collins Service Bulletin 737NG–71–008 but inadvertently included a date of “July 28, 2023” that is not necessary since the paragraph is referring to the Collins Service Bulletin 737NG–71–008 identified in Boeing Special Attention Requirements Bulletin 737–71–1937 RB, Revision 1, dated June 27, 2024, and should match how paragraphs (h)(4) and (5) of the regulatory text refer to Collins Service Bulletin 737NG–71–008 without a date.

Paragraph (j) of the regulatory text inadvertently included a reference to Boeing Special Attention Requirements Bulletin 737–71–1937 RB with the date of “June 27, 2024” instead of “July 27, 2023.”

In addition, the date specified in the “System Airworthiness Limitation No. 3—Fan Blade Out Conditions” text of figure 1 to paragraph (j) of the regulatory text inadvertently referred to “July 31, 2018” instead of “July 31, 2028,” and the date specified in the “System Airworthiness Limitation No. 4—Engine Nacelle Maintenance Errors” text of figure 1 to paragraph (j) of the regulatory text inadvertently referred to “December 31, 2019” instead of “December 31, 2029.”

#### Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin 737–71–1937 RB, Revision 1, dated June 27, 2024. This material specifies procedures for replacing, for certain airplanes, the fasteners on the fan cowl support beam hinge fittings on the left and right engine strut, and, for engine 1 and engine 2 for all airplanes, modifying the radial restraint assembly and installing an external doubler at the starter vent, or as an option, installing a serviceable fan cowl. This material also specifies procedures to incorporate Boeing 737–600/700/700C/800/900/900ER Airworthiness Limitations (AWLs) Document D626A001–9–01 “System Airworthiness Limitation No. 2—Fan Blade Out Conditions,” “System Airworthiness Limitation No. 3—Fan Blade Out Conditions,” and “System Airworthiness Limitation No. 4—Engine Nacelle Maintenance Errors” into the operator’s maintenance or inspection program.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.